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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE SESSION WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT,
ON MONDAY, THE FIFTH DAY OF DECEMBER, 1859, AND ENDED ON
MONDAY, THE FIFTH DAY OF MARCH, 1860.

VOLUME ONE.

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PRINCIPAL OFFICERS

OF THE

STATE OF KENTUCKY,

WITH THEIR POST-OFFICE ADDRESS, AND TERM OF SERVICE, AT THE TIME OF
THE PUBLICATION OF THIS VOLUME.

EXECUTIVE DEPARTMENT.

Names of Officers.	Post-Office Address.	Term of Office expires.
GOVERNOR. Beriah Magoffin	Frankfort	September, 1863.
SPEAKER OF THE SENATE—AND ACTING LIEUT. GOVERNOR Thomas P. Porter	Versailles	August, 1861.
SECRETARY OF STATE. Thomas B. Monroe, jr.	Frankfort	September, 1863.
ASST. SECRETARY OF STATE. James W. Tate	Frankfort	September, 1863.
ATTORNEY GENERAL. Andrew J. James	Frankfort	September, 1863.
AUDITOR OF PUBLIC ACCOUNTS. Grant Green	Frankfort	January, 1864.
ASSISTANT AUDITOR. Cornelius Bailey	Frankfort	January, 1864.
TREASURER. James H. Garrard	Frankfort	January, 1862.
REGISTER OF LAND OFFICE. Thomas J. Frazier	Frankfort	September, 1863.
FRONT. BOARD INT. IMP. James P. Bates	Glasgow	January, 1864.
SUP. PUBLIC INSTRUCTION. Robert Richardson	Frankfort	September, 1863.
REGISTRAR OF BIRTHS, DEATHS, AND MARRIAGES. Samuel M. Bemiss	Louisville	September, 1863.

EXECUTIVE DEPARTMENT—Continued.

Names of Officers.	Post-Office Address.	Term of Office expires.
INSPECTOR GENERAL. Simon B. Buckner	Louisville	September, 1863.
ADJUTANT GENERAL. Scott Brown	Frankfort	September, 1863.
QUARTERMASTER GENERAL. M. D. West	Frankfort	September, 1863.
STATE LIBRARIAN. A. W. Vallandigham	Frankfort	January, 1862.
KEEPER OF THE PENITENTIARY. J. W. South	Frankfort	March, 1863.
PUBLIC PRINTER. John B. Major	Frankfort	August, 1862.

LEGISLATIVE DEPARTMENT.

Senators and Representatives.	Post-Office Address.	Term expires.
SENATORS.		
Thomas P. Porter, (Speaker)	Versailles	August, 1861.
T. T. Alexander	Columbia	August, 1863.
W. T. Anthony	New Roe	August, 1863.
L. W. Andrews	Flemingsburg	August, 1861.
James R. Barrick	Glasgow	August, 1861.
Samuel H. Boles	Burksville	August, 1863.
John B. Bruner	Hardinsburg	August, 1861.
Charles Chambers	Burlington	August, 1863.
Ben. P. Cissell	Morganfield	August, 1863.
Dr. A. D. Cosby	Calhoon	August, 1861.
Wm. S. Darnaby	Georgetown	August, 1861.
Alexander L. Davidson	West Liberty	August, 1863.
Samuel E. DeHaven	Lagrange	August, 1863.
George Denny	Paint Lick	August, 1863.
John F. Fisk	Covington	August, 1861.
J. E. Gibson	South Fork	August, 1861.
Wm. C. Gillis	Rockhold P. O.	August, 1863.
Robert E. Glenn	Elkton	August, 1863.
A. P. Grover	Owenton	August, 1861.
Thomas S. Grundy	Springfield	August, 1861.
Samuel Haycraft	Elizabethtown	August, 1861.
John L. Irvan	Wadesboro'	August, 1863.
Samuel H. Jenkins	Lovelaceville	August, 1863.
John M. Johnson	Paducah	August, 1863.
Thornton F. Marshall	Augusta	August, 1863.
William H. McBrayer	Lawrenceburg	August, 1861.
James McKee	Mount Sterling	August, 1861.
C. D. Pennebaker	Louisville	August, 1863.
John A. Prall	Paris	August, 1863.
Wm. B. Reed	Hardinsville	August, 1861.
Albert G. Rhea	Russellville	August, 1863.
L. H. Rousseau	Louisville	August, 1863.
Henry M. Rust	Greensburg	August, 1861.

LEGISLATIVE DEPARTMENT—Continued.

Senators and Representatives.	Post-Office Address.	Term expires.
SENATORS.		
Harrison Taylor	Maysville	August, 1861.
Cyrenius Wait	Somerset	August, 1861.
E. Dudley Walker	Hartford	August, 1861.
Claiborne J. Walton	Monroe	August, 1863.
Walter C. Whitaker	Shelbyville	August, 1861.
CLERK.		
C. J. Wickliffe	Bardstown	August, 1861.
ASSISTANT CLERK.		
J. H. Johnson	Lexington	August, 1861.
SERGEANT-AT-ARMS.		
M. B. Chinn	Frankfort	August, 1861.
DOOR-KEEPER.		
Thomas Pearce	New Castle	August, 1861.
REPRESENTATIVES.		
David Meriwether, (Speaker)	Louisville	August, 1861.
Corydon S. Abell	Harrodsburg	August, 1861.
Wm. B. Acree	Princeton	August, 1861.
R. M. Alexander	Burksville	August, 1861.
V. P. Armstrong	West Point	August, 1861.
William Brown	Hopkinsville	August, 1861.
Henry Bohannon	Consolation	August, 1861.
R. A. Buckner	Lexington	August, 1861.
O. S. Burbridge	Paris	August, 1861.
J. Burdett	Lancaster	August, 1861.
H. G. Burns	Morehead	August, 1861.
C. F. Burnam	Richmond	August, 1861.
R. A. Burton, jr.	Lebanon	August, 1861.
John G. Carlisle	Covington	August, 1861.
A. B. Chambers	Warsaw	August, 1861.
Thos. H. Clay	Lexington	August, 1861.
W. W. Cleary	Cynthiana	August, 1861.
F. L. Cleveland	Augusta	August, 1861.
Shelby Coffey, jr.	Monticello	August, 1861.
Virgil Coleman	Murray	August, 1861.
J. W. Cook	Boysville	August, 1861.
M. J. Cook	Mount Vernon	August, 1861.
Joseph Croxton	Louisville	August, 1861.
William Day	Frozen Creek	August, 1861.
H. B. Dobyns	Flemingsburg	August, 1861.
John Donan	Munfordsville	August, 1861.
D. E. Downing	Fleppin	August, 1861.
Alexander Dunlap	Downingsville	August, 1861.
John Ellis	Northcutt's Store	August, 1861.
Robert English	Elizabethtown	August, 1861.
G. W. Ewing	Russellville	August, 1861.
E. A. Faulconer	Hawesville	August, 1861.
John A. Finn	Franklin	August, 1861.
William Fisher	Pekin	August, 1861.
M. Fogle	Liberty	August, 1861.
G. L. Forman	Washington	August, 1861.
J. W. Foster	Scottville	August, 1861.
N. Gaither, jr.	Columbia	August, 1861.

LEGISLATIVE DEPARTMENT—Continued.

Representatives.	Post-Office Address.	Term expires.
R. H. Gale	New Liberty	August, 1861.
D. C. Ganaway	Hardinsburg	August, 1861.
S. L. Geiger	Middletown	August, 1861.
A. Gilbert	South Fork	August, 1861.
T. L. Goheen	Olive	August, 1861.
John K. Goodloe	Versailles	August, 1861.
A. F. Gowdy	Campbellsville	August, 1861.
L. Green	Falls of Rough	August, 1861.
John Griffin	Somerset	August, 1861.
John H. Gudgell	Owingsville	August, 1861.
John O. Harrison	Brooks'	August, 1861.
John Haines	Fordsville	August, 1861.
Joseph Hill	Big Reedy	August, 1861.
B. M. Hitt	Carrollton	August, 1861.
P. Hines	Bowling-green	August, 1861.
G. B. Hodge	Newport	August, 1861.
J. B. Hunter	Springfield	August, 1861.
L. D. Husbands	Paducah	August, 1861.
W. C. Ireland	Greenupsburg	August, 1861.
R. T. Jacob	Westport	August, 1861.
Sylvester Johnson	New Haven	August, 1861.
William Johnson	Great Crossing	August, 1861.
G. A. Lackey	Walnut Flat	August, 1861.
W. D. Lannom	Clinton	August, 1861.
J. G. Leach	New Castle	August, 1861.
Young A. Linn	Cadiz	August, 1861.
L. S. Luttrell	Helena	August, 1861.
James B. Lyne	Henderson	August, 1861.
James Mann	Demossville	August, 1861.
Edward Mistle	Mount Eden	August, 1861.
Hiram McElroy	Morganfield	August, 1861.
John G. McFarland	Owensboro'	August, 1861.
J. H. D. McKee	Lawrenceburg	August, 1861.
W. L. Neale	White Hall	August, 1861.
Fielding Neil	Shelbyville	August, 1861.
John T. Rutcliff	Cowes	August, 1861.
N. A. Rapier	Hodgenville	August, 1861.
John M. Rice	Pikeville	August, 1861.
W. C. Richardson	Brandenburg	August, 1861.
F. Riddell	Burlington	August, 1861.
John W. Ritter	Glasgow	August, 1861.
S. Roberts	Louisa	August, 1861.
John Rodman	Frankfort	August, 1861.
Samuel Salyers	Licking Station	August, 1861.
B. J. Shaver		August, 1861.
Joseph Shawhan	Cynthiana	August, 1861.
U. C. Sherrill	Louisville	August, 1861.
N. Slodd	Carlisle	August, 1861.
I. H. Smith	Dry Fork	August, 1861.
H. H. Smith	Clyde	August, 1861.
Alex. H. Sneed	Danville	August, 1861.
A. B. Stivers	Irvine	August, 1861.
G. Terry	Elkton	August, 1861.
J. Tevis	Louisville	August, 1861.
G. M. Thomas	Clarksburg	August, 1861.
H. Thompson	Winchester	August, 1861.
H. S. Tye	Whitley Court-house	August, 1861.
R. A. Walker	Ford's Ferry	August, 1861.
D. P. White	Greensburg	August, 1861.
J. W. White	Mount Sterling	August, 1861.

LEGISLATIVE DEPARTMENT—Continued.

Representatives.	Post-Office Address.	Term expires.
John Word.....	Flat Lick.....	August, 1861.
Nat. Wolfe.....	Louisville.....	August, 1861.
CLERK.		
Clinton McClarty.....	Owensboro.....	August, 1861.
ASSISTANT CLERK.		
R. S. Forde.....	Elizabethtown.....	August, 1861.
SERGEANT-AT-ARMS.		
W. N. Robb.....	Lexington.....	August, 1861.
DOOR-KEEPER.		
Anderson Gray.....	Big Clifty.....	August, 1861.

JUDICIAL DEPARTMENT.

Names of Officers.	Post-Office Address.	Term of Office expires.
JUDGES COURT OF APPEALS.		
James Simpson, Chief Justice.....	Winchester.....	September, 1860.
Henry J. Stites.....	Hopkinsville.....	September, 1862.
Alvin Duvall.....	Georgetown.....	September, 1864.
Henry C. Wood.....	Louisville.....	September, 1866.
CLERK COURT OF APPEALS.		
Rankin R. Revill.....	Frankfort.....	September, 1866.
REPORTER COURT OF APPEALS.		
James P. Metcalfe.....	Frankfort.....	October, 1860.
CHANCELLORS.		
Caleb W. Logan.....	Louisville.....	September, 1862.
J. M. Bigger.....	Paducah.....	September, 1862.
Charles Green.....	Franklin.....	September, 1862.
CIRCUIT JUDGES.		
1. R. K. Williams.....	Mayfield.....	September, 1862.
2. Thomas C. Dabney.....	Cadiz.....	September, 1862.
3. James Stuart.....	Brandenburg.....	September, 1862.
4. Asher W. Graham.....	Bowling-Green.....	September, 1862.
5. George W. Kavanaugh.....	Lebanon.....	September, 1862.
6. Thomas E. Bramlette.....	Columbia.....	September, 1862.
7. Peter B. Muir.....	Louisville.....	September, 1862.
8. Elijah F. Nuttall.....	Springport.....	September, 1862.
9. Samuel M. Moore.....	Covington.....	September, 1862.
10. E. C. Phister.....	Maysville.....	September, 1862.
11. William H. Burns.....	West Liberty.....	September, 1862.
12. Granville Pearl.....	London.....	September, 1862.
13. William C. Goodloe.....	Richmond.....	September, 1862.
14. John E. Cook, (appointed).....	Madisonville.....	August, 1860.
COMMONWEALTH'S ATTORNEYS.		
1.
2.
3. Cicero Maxwell.....	Hartford.....	September, 1862.

JUDICIAL DEPARTMENT—Continued.

Names of Officers.	Post-Office Address.	Term of Office expires.
COMMONWEALTH'S ATTORNEYS.		
4. W. B. Jones	Franklin	September, 1862.
5. Andy Barnett	Lebanon	September, 1862.
6. E. L. Vanwinkle	Somerset	September, 1862.
7. E. S. Craig	Louisville	September, 1862.
8. P. U. Major	Frankfort	September, 1862.
9. W. E. Arthur	Covington	September, 1862.
10. R. H. Stanton	Maysville	September, 1862.
11. J. M. Nesbitt	Owingsville	September, 1862.
12. John Diahman	Barboursville	September, 1862.
13. Wm. S. Downey	Winchester	September, 1862.
14. S. B. Vance, (appointed) ..	Henderson	August, 1860.





PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT, ON MONDAY, THE 5TH DAY OF DE-
CEMBER, 1859, AND ENDED MONDAY, MARCH 5TH, 1860.

BERIAH MAGOFFIN, *Governor.*

THOS. P. PORTER, *Speaker of the Senate.*

DAVID MERIWETHER, *Speaker of the House of Reps.*

THOS. B. MONROE, JR., *Secretary of State.*

CHAPTER 1.

AN ACT to change the time of holding the Lawrence Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the quarterly courts of the county of Lawrence, after the first day of March next, shall be held on the Tuesdays succeeding the Mondays on which the county courts of said county are held, in the months of March, June, September, and December.

1859.

DAVID MERIWETHER,
Speaker of the House of Representatives.

THOMAS P. PORTER,
Speaker of the Senate.

Approved December 16, 1859.

B. MAGOFFIN.

By the Governor:

THOS. B. MONROE, JR., *Secretary of State.*

1859.

CHAPTER 2.

AN ACT to change the time of holding the Quarterly Court of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court of the county of Logan shall hereafter commence its terms on the first Monday in the months of March, June, September, and December in each year.

§ 2. This act shall take effect on the 10th day of January, 1860.

Approved December 16, 1859.

CHAPTER 8.

AN ACT to legalize the proceedings of the Court of Claims of Allen county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that the Allen county court of claims was held on the second Monday of October, 1859, when it should have been held on the second Monday of November, 1859, the circuit court for said county being in session in said month of October, and doubts being entertained of the legality of the acts of said court of said county held as aforesaid; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the actions and proceedings of said court of claims for said county, had and done on said second Monday of October, 1859, be, and the same are hereby, legalized, and are to have the same force and effect as if said court had been held on the second Monday in November, the time in such cases fixed by law.

Approved December 19, 1859.

CHAPTER 11.

AN ACT for the benefit of the Sheriffs of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon all judgments that shall be recovered in the Franklin circuit court in favor of the Commonwealth of Kentucky against the several defaulting sheriffs of this State, for failure to pay in the revenue that is collected in their respective counties, that no execution shall issue thereon until the 15th day of February, 1860: *Provided*, That said sheriff or sheriffs shall, on or before the 1st day of January, 1860, file with the Auditor of Public Accounts

Execution on judgments against defaulting sheriffs not to issue till 15th February, 1860: *Provided*, written consent of sureties shall be filed by 1st January, 1860.

the written consent of the sureties of said sheriff to this indulgence.

1860.

§ 2. That, in case said sheriff or sheriffs shall, on or before the 15th day of February, 1860, pay into the public treasury of this Commonwealth the amount of revenue due from their respective counties, together with the cost of suit that may be adjudged against him or them, shall be received in full discharge of all judgment or judgments that may be rendered against such sheriff; and such payment shall be considered in full discharge of all judgment for twenty per cent. damages on the amount due, as is now required by law.

If revenue and costs paid by 15th Feb'y, '60, damages to be discharged.

§ 3. This act shall be in force from its passage, and shall be in force twelve months.

In force from passage and for 12 months.

Approved December 23, 1859.

CHAPTER 17.

AN ACT regulating tolls on flatboats and other crafts on slackwater streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all flatboats or other crafts brought up any of the streams of this Commonwealth, improved by slackwater, from below, to a point above the action of any dam thereon, which shall, after being so brought up as aforesaid, descend any such stream, the same flatboats or other crafts shall be subject to, and the owners and proprietors thereof required to pay, the same tolls now required by law to be paid on any such flatboats or other crafts descending said streams from any point below the action of any dam thereon.

Tolls to be paid on flatboats & other crafts brought up slack water streams, when they descend.

§ 2. This act shall take effect from its passage.

Approved January 5, 1860.

CHAPTER 19.

AN ACT to repeal acts repealing in part an act establishing an Equity and Criminal Court in the First Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That certain acts, entitled "An act repealing in part an act establishing an equity and criminal court in the first judicial district," approved February 17th, 1858, be, and the same is hereby, repealed.

1 Sess. Acts, page 80.

Repealing act repealed.

§ 2. That the act establishing an equity and criminal court, so far as the counties of Ballard and Graves are concerned, be, and the same is hereby, revived.

Original act revived.

§ 3. This act to take effect from its passage.

Approved January 5, 1860.

1860.

CHAPTER 20.

AN ACT concerning uncertified deeds in the Louisville Chancery Court.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that there are numerous deeds of conveyance now lying in the office of the clerk of the Louisville chancery court which were approved by the former chancellor of the said court, but which have not been certified by the then clerk of the county court of Jefferson for recordation,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Clerk Louis.
Chanc'y Court
to certify deeds
in his office
which were ap-
proved by for-
mer Chancellor

§ 1. That the clerk of the Louisville chancery court be, and he is hereby, authorized to certify for record, to the clerk of the county court of Jefferson county, all deeds in said chancery clerk's office which have been heretofore approved by the chancellor of said court, but which the former clerk of said chancery court has failed to certify.

§ 2. This act shall be in force from and after the passage thereof.

Approved January 5, 1860.

CHAPTER 21.

A BILL to authorize a special term of the Anderson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be held a special term of the Anderson circuit court, having equity, common law, and criminal jurisdiction, to commence on the first Monday in February, 1860, and continue six juridical days.

§ 2. This act to take effect from and after its passage.

Approved January 5, 1860.

CHAPTER 25.

AN ACT for the benefit of the clerks and late clerks of the circuit and county courts of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Two years
given clerks to
list fees for col-
lection.

§ 1. That the further time of two years from the 1st day of January, 1860, be allowed to the several clerks of the circuit and county courts of this Commonwealth, or their personal representatives, to list and collect their fee bills.

Same time to
late clerks.

§ 2. That the same time be allowed the late clerks of circuit and county courts, now out of office, or their personal representatives, to list and collect their fees.

LAWS OF KENTUCKY.

5

§ 3. That nothing herein contained shall exempt any clerk, or late clerk, from the penalties now fixed by law for issuing illegal fee bills: *And provided also*, That any clerk, or representative of a clerk, who may wish to avail himself of the benefit of this act, shall execute bond with good security, to be approved of by the clerk of the circuit or county court of his county, conditioned to pay any fine or forfeiture under the fee bill law, for issuing or collecting illegal fees.

1860.

Not to be exempt from penalties for illegal fee bills.

And to give bond.

Approved January 10, 1860.

CHAPTER 27.

AN ACT to amend the 24th section of the Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts have jurisdiction of all actions for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value.

§ 2. That this act shall take effect from and after its passage.

Stanton's
Civ. Code Prac-
tice, p. 37.

Approved January 10, 1860.

CHAPTER 36.

AN ACT for changing the time of holding the Quarterly Courts of Powell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts of Powell county shall hereafter commence on the second Monday in the month of March, June, September, and December.

§ 2. This act shall take effect from and after its passage.

Approved January 12, 1860.

CHAPTER 38.

AN ACT to amend the 29th section of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices of the peace shall have jurisdiction, exclusive of circuit courts, but concurrent with quarterly courts, of all actions and proceedings for the recovery of

Stanton's
Civ. Code Prac-
tice, p. 30.

LAWS OF KENTUCKY.

1860.

money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed fifty dollars in value, and in other cases specially provided by statute.

§ 2. That this act shall take effect from and after its passage.

Approved January 12, 1860.

CHAPTER 40.

AN ACT changing the times of holding the Circuit Courts of the Seventh Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts for the several counties in the seventh judicial district shall commence at the times hereinafter specified, and be held the number of days allotted to each term, if the business of the court require it, viz:

Jefferson. In Jefferson county on the second Monday in January, the first Monday in May, and the third Monday in October; and continue at the January and May terms each forty-two, and at the October term forty-eight juridical days.

Bullitt. In Bullitt county on the first Monday in April and the third Monday in August; and continue at the April term six, and at the August term twelve juridical days.

Shelby. In Shelby county on the first Monday in March and the fourth Monday in September, and continue each eighteen juridical days; and the clause of the act authorizing the holding of a term in said county for the trial of equity causes, commencing first Monday in July, is hereby repealed.

Oldham. In Oldham county on the fourth Monday in March and the third Monday in September; and continue each six juridical days.

Spencer. In Spencer county on the second Mondays in April and September; and continue each six juridical days.

§ 2. This act to take effect from its passage.

Approved January 13, 1860.

CHAPTER 42.

AN ACT to change the time of holding the Allen county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the terms of the Allen county quarterly court shall commence on Tuesday, after the second

LAWS OF KENTUCKY.

Monday, instead of the second Tuesday in each month; in which they are now required to commence in said county.

1860.

§ 2. This act shall take effect from and after its passage.

Approved January 13, 1860.

CHAPTER 44.

AN ACT to fix the time of holding the Quarterly Courts for Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts for Simpson county shall hereafter be held on the second Mondays in the months of February, May, August, and November, instead of the times now fixed by law.

§ 2. This act to take effect from and after the first day of January, 1860.

Approved January 13, 1860.

CHAPTER 49.

AN ACT regulating the time of holding the County Courts in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the third Monday in each month shall be the regular day for holding the county courts in Washington county.

§ 2. Provided, that when the circuit court for the said county shall be in session on the third Monday, the county court for that month shall be held on the fourth Monday.

Approved January 14, 1860.

CHAPTER 62.

AN ACT to change the time of holding the Taylor County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the Taylor county court be, and is hereby, changed from the 2d Monday in each month to the 1st Monday in each month.

§ 2. That this act take effect from and after the 20th day of January, 1860.

Approved January 14, 1860.

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1860.

CHAPTER 72.

AN ACT to repeal an act, entitled "An act to revive and amend the laws in regard to the sectionized lands west of the Tennessee River."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st Sess., Acts
1857-8, p. 51, as
Act of Feb.
1858, repealed.

Former laws
revived.

§ 1. That an act, entitled "An act to revive and amend the laws in regard to the sectionized lands west of the Tennessee river," approved the 13th day of February, 1857, be, and the same is hereby, repealed; and all the laws in force before the passage of said act, and which were repealed by it, are hereby re-enacted and declared to be in full force.

§ 2. This act to take effect from its passage.

Approved January 17, 1860.

CHAPTER 75.

AN ACT to amend chapter 28, article 5, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st Stanton's
Rev. St., p. 383,
Chap. 28, Art.
5, Revised St.,
amended.

Persons hav-
ing burglar's
tools in posses-
sion, with bur-
glarious intent,
guilty of felony

§ 1. That chapter 28, article 5, Revised Statutes, be amended as follows, to-wit: That if any person shall have or keep in his possession any tools, implements, or other things used by burglars for house-breaking, forcing doors, windows, locks, or buildings, or other places where goods, wares, or merchandise, or money are kept, with the intention of using said tools or implements with burglarious intent, shall be confined in the penitentiary not less than two nor more than ten years.

§ 2. This act to take effect from its passage.

Approved January 17, 1860.

CHAPTER 80.

AN ACT concerning divorces and changing names.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Power given
Cir. and Chan.
Co'ts to change
names.

That hereafter when a divorce shall be adjudged in any circuit or chancery court of this Commonwealth to a married woman, power and authority be, and are hereby, given to such court to restore the party so divorced to the name she bore previous to the marriage from which she has been divorced, when her petition contains a prayer for that relief.

Approved January 17, 1860.

CHAPTER 91.

1860.

AN ACT to amend an act incorporating the Kentucky State Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the State Agricultural Society, approved the 10th day of March, 1856, be, and is hereby, so amended as that in future elections for directors of said society, there shall be five directors elected from each district, in lieu of three.

§ 2. That the sum of five thousand dollars be, and is hereby, appropriated annually, for two years, out of any money not otherwise appropriated in the State treasury; and to be paid as provided in the original act: *Provided*, That this appropriation shall be applied and expended by said society; in premiums, as follows: On stock, fifteen hundred dollars; on tobacco, one thousand dollars; on cereals, five hundred dollars; on mechanical implements, five hundred dollars; on domestic manufactures, three hundred dollars; on ores and manufactured iron, two hundred dollars; on horticulture, one hundred dollars; on family products, &c., two hundred dollars; on sundries, five hundred dollars; on agricultural literature, two hundred dollars; making in all five thousand dollars.

§ 3. That from and after the passage of this act each vice president of the Kentucky Agricultural Society shall have and exercise all the powers that a director may exercise under the original act of incorporation.

Approved January 23, 1860.

1st Ses., Acts 1855-6, p. 93.

Five directors to be elected from each district.

\$5,000 annually for two years appropriated.

Premiums to be given.

Stock \$1,500.
Tobacco \$1,000.

Cereals \$500.

Mechanical implements \$500.

Domestic manufactures \$300.

Ores and manufactured iron \$200.

Horticulture \$100.

Family products \$200.

Sundries \$500.

Agricultural literature \$300.

Vice President to exercise powers of Directors.

CHAPTER 94.

AN ACT for the benefit of the Kentucky Institution for the Deaf and Dumb.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and there is hereby, appropriated to the trustees of the Kentucky Institution for the Education of the Deaf and Dumb, at Danville, the sum of ten thousand dollars, for the purpose of enabling them to pay the balance of the money due on certain lots of land purchased; to complete the heating, plumbing, and lighting of the new building of the Institution; for repairs to the former buildings; for fencing the grounds and lands; for finishing a servants' house; for building cisterns, and for other improvements, and for paying the balance of the cost of a book of elementary lessons for the deaf mutes.

\$10,000 appropriated.

§ 2. This act to take effect from and after its passage.

Approved January 30, 1860.

1860.

CHAPTER 100.

AN ACT to amend the charter of the Bank of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st Sec., Acts
1855-6, p. 24.

§ 1. That the 35th section of an act, entitled "An act to incorporate the Bank of Ashland," approved the 15th day of February, 1856, be, and the same is hereby, repealed, except the last proviso of said section, in relation to that class of bills known as "kites," which shall remain in full force.

What amount
may be invest-
ed in bills of
exchange.

§ 2. That said Bank of Ashland shall not invest in bills of exchange more than double the amount of the notes discounted, and suspended debt, and other investments of said bank, bearing six per cent. interest, excluding from the computation of bills of exchange the remittances which said bank may make for collection at points where the funds may accumulate.

Branch to be
established at
Mayfield.

§ 3. The said Bank of Ashland shall, within twelve months after this act takes effect, establish at the town of Mayfield, Graves county, in this State, a branch, with a capital of one hundred thousand dollars of the present capital of said bank.

Holders of
stock may sur-
render and
transfer the
same.

§ 4. That the holder of the present stock may surrender and transfer to said bank, of the unpaid stock, any amount not exceeding one hundred thousand dollars, under such equitable rule as the president and directors of the parent bank may prescribe; and said president and directors shall cause books to be opened at Mayfield for the subscription of such surrendered stock, after the same shall have been advertised thirty days in the Paducah papers; and said books shall be kept open at least thirty days, unless the said stock shall be sooner taken; and such subscription of stock shall be under such equitable rule as said president and directors may prescribe, so as to do ample justice between the holders of the stock now subscribed and the holders of the surrendered stock to be subscribed as aforesaid. That no person shall subscribe more than one thousand dollars of said stock to be so subscribed, unless there shall remain of said stock, untaken for sixty days after said books are opened: *Provided, also,* That no stock shall be subscribed, under the provisions of this amendment, by any non-resident of this State, till after the book shall have been kept open sixty days for the subscription of stock by residents of this State.

Books to be
opened at May-
field.

No person to
subscribe more
than \$1,000.

Nor shall non-
residents sub-
scribe until
the books have
been kept open
60 days.

Mayfield
Branch to be
under the same
restrictions, as
as Shelbyville
Branch.

Provisions of
act of 1858, (1st

§ 5. That said bank at Mayfield shall have the same privileges, be governed in the same manner, officered under the same rules, and have the same restrictions, as is prescribed for the branch of said bank at Shelbyville.

§ 6. That the provisions of an act, entitled "An act to regulate the manner in which the rates of exchange charged

by banks shall be paid," approved February 17th, 1858, be, and the same is hereby, applied to the Bank of Ashland and its branches.

§ 7. This amendment shall not take effect until the same shall be submitted to the regular annual meeting of the stockholders in May next, and accepted by a majority of the stock represented at said meeting.

Became a law without the approval of the Governor, on the 27th day of January, 1860.

1860.

Acts, p. 83, applied to Bank of Ashland. This act not to take effect till submitted to and accepted by a majority of stockholders

CHAPTER 102.

AN ACT to change the times of holding Circuit Courts in the counties of Russell, Clinton, and Cumberland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the times of holding the circuit courts in the counties of Cumberland, Clinton, and Russell, in the sixth judicial district of this State, shall be as follows:

In the county of Cumberland, on the third Monday in April and fourth Monday in October, and continue each twelve juridical days.

In the county of Clinton, on the first Monday in June and December, and continue each six juridical days.

In the county of Russell, on the second Monday in June and December, and continue each six juridical days.

§ 2. This act shall take effect from and after its passage.

Approved January 30, 1860.

Times of holding Circuit Courts in -

Cumberland,

Clinton,

Russell.

CHAPTER 104.

AN ACT to establish the county of Metcalfe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first Monday in May, 1860, all the parts of Barren, Green, Adair, Cumberland, and Monroe counties, lying within and included in the following boundary, shall be, and same is hereby, stricken from said counties, and erected into one district or county, to be called and designated and known as the county of Metcalfe, to-wit: Beginning one mile west from the Dripping Spring meeting-house in Barren county; thence a straight line to Lazarus' store: *Provided*, Said line will exclude the residences of William Winlock and W. J. Wood. If said line will not exclude said residences, making an angle at said residences, so as to exclude them, and then to Lazarus' store, as before named; thence on the same course to the Hart county line; thence with the Hart county line to the

County of Metcalfe established.

Boundary.

1860.

Green county line; thence with the Green county line to the junction of the south and east forks of Little Barren river; thence a straight line to where the Cloverdale and Greensburg road crosses Caney Fork creek; thence a straight line to intersect the Green and Adair county line, near the Pleasant Ridge meeting-house; thence a straight line to Hiram Pendleton's, (leaving him in Adair county;) thence up the East Fork creek, with its meanders, so as to include the residences of Jas. Estes, Thos. Estes, William Penick, J. L. Yates, Jane Estes, A. York, deceased, J. H. Hamilton, P. T. Ellison, Sebastian Bell, Z. D. Wheat's old farm, Herbert Kinnaird, Harrison Kinnaird, J. B. Dixon, Eliza Kinnaird, William Hamilton, sr., Edward Hamilton, and S. W. Marrs; and thence with the meanders of said creek to the head waters; thence a straight line to the nearest point to intersect the Cumberland county line; thence with the Cumberland line to the head waters of Marrowbone creek, above Arch. Ferguson's; thence a straight line to William Morrison's, who resides about a half mile above Matthew Amy's, (leaving said Morrison in the county of Cumberland;) thence a straight line to the nearest point in the Monroe county line; thence with the Monroe county line one mile from the Barren county line; thence a straight line to intersect the Monroe and Barren county line, at a point where a straight line to the beginning will include the residence of P. W. Grinstead, Esq.; thence to the beginning.

§ 2. That the county of Metcalfe shall be laid off into five districts for the election of justices of the peace and constables; and there shall be elected two justices of the peace and one constable in each district. Said districts shall also be election precincts. James F. Keel, George A. Clark, Marion N. Carr, P. J. Snider, and William D. Courts, are appointed commissioners, who, or a majority of whom, after taking an oath faithfully and impartially to discharge their duties, shall lay off said districts, and designate the place of voting in each. Said commissioners shall meet at the house of J. B. Stockton, in the town of Edmunton, on the first Monday in March next, or as soon thereafter as may be, and proceed to discharge the duties imposed upon them by this act. They may adjourn, from time to time and place to place, until through. They shall lodge a certified copy of the boundaries of said districts in the hands of J. R. Newman, of Edmunton, whose duty it shall be to hold it in safe-keeping until there shall be an election of county court clerk of said county of Metcalfe, and then he shall deliver it to said clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy to the Secretary of State, who shall carefully preserve the same in his office. Said commis-

To be laid off
into five jus-
tices and voting
districts by
commissioners.

Boundaries of
districts to be
lodged with J.
R. Newman.

Clerk county
court to file and
record same, &
transmit copy
to Sec'y State.

sioners shall also designate in each of said districts two suitable persons to act as judges, and one in each to act as clerk, and one as sheriff, of the election of circuit court clerk, county court clerk, a sheriff, an assessor, a surveyor, jailer, coroner, county attorney, presiding judge of the county court for the county aforesaid, and two justices of the peace, and one constable, in each district for said county of Metcalfe, which election shall be held on the first Monday in May, 1860. The judges, clerks, and sheriffs, appointed by the commissioners aforesaid in each district to hold said election, before entering on their duties as such, shall take an oath faithfully and impartially to discharge the duties imposed upon them by this act. Those who may act as sheriffs, as aforesaid, shall meet at the house of J. B. Stockton, in the town of Edmuntun, on the second day after the election; and after carefully comparing the polls, shall sign two certificates of the election, designating the name of each person having the highest number of votes, and the office to which he is elected; one of which shall be lodged in the hands of J. R. Newman, who shall cause the same to be recorded in the county court clerk's office of said county of Metcalfe; the other they shall forthwith transmit to the Secretary of State, to be by him filed and carefully preserved in his office; whereupon said Secretary shall forthwith cause commissions to be issued to the several officers certified to be elected, who, before entering upon the duties of their respective offices, shall take an oath, as required by law, and shall execute bond according to existing laws in reference to similar offices; and thereupon their official acts shall be obligatory to all intents and purposes, when done in accordance with the constitution and laws of the State. They shall hold their offices until the next regular election of like officers, and until their successors are elected and qualified. That until all the officers elected for the new county aforesaid are commissioned, sworn, and qualified, the counties of Barren, Green, Adair, Cumberland, and Monroe, shall have jurisdiction as though this act had not passed.

§ 3. That J. M. S. McCorkle, of Green county, T. T. Alexander, of Adair county, and William E. Munford, of Barren county; are hereby appointed commissioners to locate the seat of justice in said county of Metcalfe, whose duty it shall be to locate said county seat at the most convenient and eligible point at or near the center of said county; and shall meet for that purpose on the first Monday in April next, or as soon thereafter as may be, and proceed to discharge the duties imposed upon them by this act; and for that purpose may adjourn from time to time, and place to place, until said location is fixed by them; and then said location shall be declared the permanent location

1860.

Commissioners to appoint officers of election.

Election to be held on the 1st Monday in May 1860.

Officers of election to take oath.

Polls to be compared and certificates of election given.

Commissions to be issued to officers.

To hold offices till next regular election.

Jurisdiction of adjoining counties.

Commissioners to locate the seat of justice.

1860.

of the county seat of Metcalfe county; said commissioners shall have ample compensation for their services, which shall be paid by the county court.

County Court authorized to purchase public ground, and to levy a tax to pay for same & for pub. buildings.

§ 4. That the county court of said county of Metcalfe, a majority of the justices concurring, shall have power to appoint commissioners to purchase or accept (if donated) the lots or parcels of ground, selected as aforesaid, for the county seat, and to cause a deed or deeds to be made for the same to said county of Metcalfe; said county court aforesaid, a majority of the justices concurring, shall have power to assess and levy a tax upon each tythe now subject to county levies within said county, a capitation tax not exceeding one dollar and fifty cents per tythe in any one year, and an ad valorem tax upon all the property now subject to taxation for State revenue, any sum not exceeding ten cents in any one year upon each one hundred dollars' worth of property in said county, for the purpose of raising the means necessary for the purchase of the public grounds and the erection of a court-house and other public buildings thereon; said commissioners may also be empowered by the county court to draft plans and specifications, let out and superintend the erection of the public buildings aforesaid; and until the public buildings aforesaid are erected, said county court of Metcalfe shall have power to provide suitable rooms for the clerks' offices and for the holding of the county and circuit courts.

Commissioners to run & mark boundary lines of Metcalfe co., and to have the same recorded.

§ 5. That Samuel Jordan, P. W. Grinstead, and John W. Johnson, be, and they are hereby, appointed commissioners, with two chain carriers each, employed to run and mark the boundary line of said county of Metcalfe, agreeably to the first section of this act; and that said commissioners make out six fair plats of said county, one of which they shall deposit with the clerk of the county court of Metcalfe, and transmit one to each of the county court clerks of Barren, Green, Adair, Cumberland, and Monroe counties, in order that the same may be recorded in each of the counties aforesaid; said commissioners shall be allowed ample compensation for their services, and the chain carriers they may employ, to be paid by the county court of Metcalfe.

Metcalfe to have use of jail of Barren co'y.

§ 6. That the said county of Metcalfe shall have the use of the Barren county jail when needed, until the people of said county of Metcalfe shall have erected and completed a jail of their own.

Officers of Metcalfe county to have books.

§ 7. That after the organization of said county of Metcalfe, the Secretary of State shall furnish to the officers of said county the same books that are by law required to be furnished to the officers of other counties in this State.

§ 8. This act to take effect from and after its passage.

Approved February 1, 1860.

CHAPTER 107.

1860.

AN ACT to fix the time of holding the Quarterly Court for Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court for Hart county shall hereafter be held on the Tuesday after the first Monday in March, June, September, and December, instead of the times now fixed by law.

§ 2. This act to take effect from and after the 1st day of February, 1860.

Approved February 2, 1860.

CHAPTER 116.

AN ACT to change and regulate the time of holding the Circuit and County Courts of Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Gallatin circuit court shall be holden on the third Monday in March, and the fourth Monday of September, and shall continue, each term, for six juridical days.

Gallatin Circuit Court.

§ 2. That all process issued and all recognizances taken, made returnable at the terms of said court which are changed by this act, shall stand returnable to the terms as fixed by this act, in the same manner as though the same were issued and taken returnable to the terms as herein fixed and regulated.

Process and recognizances.

§ 3. That hereafter the regular terms of the Gallatin county court shall be held on the third Monday in each month in which no circuit court is held in said county.

County Courts.

§ 4. This act shall take effect from its passage.

Approved February 2, 1860.

CHAPTER 146.

AN ACT to change the time of holding the Barren Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the first day of January, 1860, the judge of the Barren county court shall hold the quarterly courts of said county on Tuesday after the third Monday in February, May, August, and November in each year, instead of Tuesday after the third Monday in March, June, September, and December in each year, as at present held, and shall continue in session eleven juridical days each term, provided the business of said court requires it.

Approved February 6, 1860.

1860.

CHAPTER 149.

AN ACT to provide for the service of process against steamboats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

How and
where officers
and owners of
steamboats
may be sued &
served with pro-
cess.

§ 1. That all actions against a steamboat, or any of its officers or owners, for the violation, or non-performance of any contract, express or implied, for or on behalf of said boat, or its owners, or for any tort or wrong done by them, may be brought in that county of this Commonwealth where the contract was made, or was to be performed, or where the tort or wrong was done or committed; and all process and provisional remedies in said actions may be served and executed in any county of this Commonwealth where said boat, or any of the officers enumerated in section 85, Civil Code of Practice, or upon the owners of said boat.

Stanton, p. 50.

§ 2. That this act shall take effect from its passage.

Approved February 6, 1860.

CHAPTER 150.

AN ACT to change the mode of setting down votes on poll books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Mode of setting
down the votes
on poll-books
to be by numer-
als, commencing
at one on each
page.

§ 1. That the mode of setting down the votes on the poll books shall be so changed that the clerks of all elections hereafter held in this Commonwealth be required to keep the votes in numerals, commencing at the head of each column with the figure 1, and so continuing the count in numerals down to the foot of the page.

§ 2. This act shall take effect from its passage.

Approved February 6, 1860.

CHAPTER 151.

AN ACT to regulate the Circuit Courts in the Third Judicial District of this Commonwealth:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Circuit Courts
in—

§ 1. That the circuit courts for the several counties in the third judicial district in this Commonwealth shall commence in the several counties hereinafter specified, and be held the number of judicial days attached to each term, if the business of the courts shall require it, to-wit:

Hancock.

In the county of Hancock on the second Mondays in February and August, and continue each six judicial days.

In the county of Daviess on the third Mondays in February and August, and continue each eighteen juridical days; and the summer term of the criminal and equity court of Daviess is hereby repealed.

In the county of McLean on the second Mondays in March and September, and continue each twelve juridical days.

In the county of Ohio on the fourth Mondays in March and September, and continue each twelve juridical days.

In the county of Breckinridge on the second Mondays in April and October, and continue each twelve juridical days.

In the county of Grayson on the fourth Mondays in April and October, and continue each twelve juridical days.

In the county of Larue on the second Mondays in May and November, and continue each twelve juridical days.

In the county of Hardin on the fourth Mondays in May and November, and continue each twelve juridical days; and the summer equity and criminal term of Hardin is hereby repealed.

In the county of Meade on the second Mondays in June and December, and continue each twelve juridical days.

§ 2. The foregoing courts shall be held at the court-houses in the several counties, and at the places designated in this act; and that sections second, third, and fourth of Session Act passed 1855-6, chapter 341, so far as applicable, shall apply to this act, and be considered as part hereof. That this act, so far as the circuit courts of the counties of Hancock, Daviess, McLean, Ohio, and Breckinridge are concerned, shall take effect from and after the 1st day of June, 1860; and that so far as the counties of Grayson, Larue, Hardin, and Meade are concerned, this act shall take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 172.

AN ACT regulating the inspection and selling of tobacco in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That inspection of leaf tobacco, in hogsheads, may be had in the city of Louisville, and warehouses for the inspection, storage, and sale of tobacco, shall be constructed so as to keep safely and securely, and guard against fire and the weather, so far as practicable, all tobacco stored therein; and such houses shall at all times be kept open, and in good repair, for receiving, storing, inspecting, sell-

1860.

Daviess.

McLean.

Ohio.

Breckinridge.

Grayson.

Larue.

Hardin.

Meade.

Where courts to be held.

Sections 2, 3, and 4 of acts of 1855-6, chapter 341, so far as applicable, to be part of this act.

Warehouses may be established by City Council and discontinued by proprietor after sixty days notice.

1860.

ing, and delivering tobacco in hogsheads. Such warehouses shall hereafter be established by the city council; but such owner or owners shall have the right to close his or their warehouse at pleasure, after giving sixty days notice to said council of such intention.

Proprietor to keep a book.

Collect and pay over the price of Tobacco sold.

Keep account.

Keep scales.

To provide coopers.

Superintends the weighing and marking.

Inspectors to cause tobacco to be examined and draw fair samples from each hogshead.

Fees.

Bond and security to be given by proprietor.

§ 2. The proprietors of each warehouse shall keep a well bound book, of proper size, in which shall be entered the marks, numbers, gross, tare, and net weight of each hogshead inspected and sold, together with the owner's name, and the name of the purchaser, and the price sold for per cwt., and the amount each hogshead sold for, and collect and pay over to the planter or seller of tobacco the sum due him. He shall make account of the sales for the planter or seller, stating the number of hogsheads, gross, tare, net, price per cwt., and the sum each hogshead comes to. He shall provide and continually keep in his warehouse, and in good order, a pair of scales, of sufficient size and strength to weigh at least one ton weight, and shall have them tested at least once in every year, and oftener if necessary, by the standard weights and measures. He shall provide a sufficient number of coopers to do the coopering, and handle tobacco stored, inspected, and sold in his warehouse, and to do all things needful in receiving, storing, and selling tobacco.

§ 3. The said warehouse proprietor shall superintend the weighing of each hogshead of tobacco, and see that the empty cask is properly weighed, and that the proper weight, gross, tare, and numbers, (and not more than ten pounds shall be deducted for sample,) are marked on one of the heads of the same. They shall cause each hogshead to be uncased, and shall furnish the necessary hands to break the same. The inspectors shall then cause it to be broken in not less than three places, and oftener should they deem it necessary; and shall draw fair samples from each hogshead of the quality thereof; and said samples shall belong to the purchaser of the hogshead.

§ 4. The fees upon each hogshead of tobacco to be collected by the proprietors of the different warehouses in the city of Louisville, shall be as follows: For receiving, storing, weighing, uncoopering, and coopering up again, marking, twine, sample card, making out note, and delivering same to purchaser, selling, making out account sales, collecting, and after deducting fees, paying over, or disbursing proceeds, three dollars and twenty-five cents; of this amount, the purchaser shall, upon presentation of his note, pay one dollar and fifty cents, and the planter or seller one dollar and seventy-five cents: *Provided, however,* Said proprietors shall enter into bond, with good security, to be approved by the mayor and general council of the city of Louisville, payable to the Commonwealth of Kentucky, in

the sum of ten thousand dollars, conditioned well and truly to pay over to the planter or seller the proceeds of all sales made by them for said planter or seller; and the injured party, if any, may sue thereon, and recover by civil suit, for his own benefit, as in other cases for any injury. Should said proprietors fail to execute said bond for ten thousand dollars, then they shall not be entitled to collect any fees, under a penalty of one hundred dollars for each offense, to be recovered in the name of the Commonwealth, in any court of competent jurisdiction, at the instance of any one; and one half of said fine shall be paid over to said informant. The proprietors of the different warehouses shall not charge storage on tobacco sold or to be sold, for the space of six months; at the expiration of six months, they shall charge twenty cents per month on each hogshead, after inspected and sold. They shall not, however, store, nor shall they be required to store, tobacco in their warehouses to such an extent as to impede the selling or delivering of tobacco.

1860.

Not to charge
storage for six
months.

§ 5. There shall be two inspectors of tobacco in the city of Louisville. The Governor of the Commonwealth of Kentucky shall, in the month of October next, appoint a competent judge of tobacco, inspector, who shall hold his office for two years, and also in the month of October, 1861; and in said month hereafter, he shall appoint a competent judge of tobacco, inspector, who shall hold his office two years; and at the end of the terms of inspectors aforesaid, the Governor shall reappoint a suitable person to fill said office of inspector for the city aforesaid, both of whom shall enter on the discharge of their duties on the first day of November after their appointment, and shall continue in office until their successors are appointed and qualified. The city council of Louisville shall, at the times aforesaid, appoint two competent judges of tobacco, alternate inspectors of tobacco, whose duty it shall be to act in the absence of the other inspectors, who shall possess like qualifications and powers, be subject to the same restrictions, and be entitled to the same fees for discharging the duties of the office as the other inspectors are. The Governor may remove any inspector appointed by him, and may fill any vacancy that may occur in the office of inspector; and the city council aforesaid shall have like powers to remove alternate inspectors and fill vacancies. The two inspectors performing the duties of the office shall receive 12½ cents each upon every hogshead of tobacco inspected by them, to be paid by the proprietors. The said inspectors shall enter upon the duties of their office on the first day of November after their appointment; but before entering upon the duties of their office, they shall take an oath, before some justice of the peace of Jefferson county, that they will perform their duties faithfully as required by

Two Inspectors in Louisville.

Governor to appoint.

City Council to appoint two, who may act in the absence of the other two.

Governor may remove inspectors and fill vacancy; City Council may remove alternates and fill vacancy.

Inspectors' fees

When to enter on their duties.

To take oath.

1860.

Shall not purchase or sell tobacco.

Business hours.

Privileges to planter or owner.

Lien given for fees and charges.

Proprietor or agents not to purchase tobacco.

Proprietor liable for his agents and servants.

To deliver tobacco on payment of fees and charges.

Tobacco receipts assignable.

Interest.

Tobacco exempt from auction duties.

law. The said inspectors shall, neither directly nor indirectly, be engaged in purchasing or selling leaf tobacco, in hand, or in hogsheds; and for every such offense, shall, upon conviction, pay to the Commonwealth of Kentucky the sum of five hundred dollars, to be recovered as in other cases; for a violation of any of the provisions of this act, the Governor shall remove the offender. The inspectors shall, each day, between the hours of 8 o'clock, A. M., and 5, P. M., attend to the inspection of tobacco at the different warehouses in the city of Louisville.

§ 6. No planter or owner of tobacco shall be required to take it to any warehouse in Louisville, or to have the same inspected or sold at auction at either of the warehouses; but when sold at auction, may, by paying the fees, refuse to take the price at which it was cried off. A lien is hereby given to the proprietors of the warehouses and inspectors on all tobacco and proceeds for fees and charges on the same.

§ 7. No proprietor, nor any of his agents, shall, directly nor indirectly, be engaged in the purchasing of leaf tobacco in the city of Louisville. The proprietors of the different warehouses shall be liable for their agents and servants, and for the safe-keeping and delivery in their warehouses, except in case of fire or unavoidable accidents, and shall deliver all tobacco to the owner, within a reasonable time after demanded at the warehouse, on presentation of the note or receipt to one of the proprietors of the house or his clerk, and payment of all fees or charges due on said tobacco.

§ 8. The note or receipt made out by the proprietors of the warehouses, shall be assignable by indorsement or delivery, and such assignment shall pass the title to the tobacco described in said note or receipt.

§ 9. Should said proprietors make advances in money or acceptances to the planter or seller, then said proprietor shall be permitted to charge interest.

§ 10. All tobacco sold at the different warehouses shall be exempt from auction duties, and all acts and parts of acts establishing or regulating the inspection and selling of leaf tobacco in the city of Louisville, are hereby repealed.

§ 11. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 183.

1860.

AN ACT directing the purchase of Stanton's edition of the Revised Statutes, for the use of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to purchase of Richard H. Stanton, for the use of this Commonwealth, three thousand copies of the editions of the Revised Statutes recently prepared and published by him, at the price of six dollars per copy of two volumes, as proposed by him in his memorial to the Legislature; and as the said books shall be delivered to the said Secretary, at his office in Frankfort, he shall examine the same, and if the said books are well bound and in good order, he shall certify to the Auditor of Public Accounts the number delivered, who is hereby required to issue his warrant upon the Treasurer for the price of the same: *Provided*, That nothing shall be paid until at least one thousand copies of said book are delivered.

Secretary of State to purchase 3,000 copies Stanton's Revised Statutes.

§ 2. That it shall be the duty of the said Secretary of State, when the acts of the present General Assembly shall be distributed, to cause to be delivered to each of the officers of this Commonwealth now entitled by law to receive the Revised Statutes, one copy of said work, and one copy to each county surveyor of the Commonwealth.

One copy to be distributed to each officer entitled to Revised Statutes; also one to each county surveyor.

§ 3. That it shall be the duty of each officer of this Commonwealth, who may receive a copy of the said edition of Revised Statutes, under this act, upon his going out of office to deliver the same to his successor in office, to be by him in like manner delivered to his successor.

To be delivered to successors in office.

§ 4. That the Secretary of State be directed to furnish to Mr. Stanton copies of all amendments to the Revised Statutes and general laws passed and to be passed at the present session of the General Assembly, to be incorporated into the work hereby directed to be purchased.

Secretary of State to furnish Mr. Stanton with general laws of present session, to be incorporated with the work.

§ 5. That the remaining copies of said work, so directed to be purchased under this act, shall be deposited by the Secretary of State in the public library, to supply such officers of the Commonwealth as may not receive a copy from their predecessors as prescribed by this act, or to exchange with other States or Territories for works of like character and value, for the use of the Court of Appeals of this State.

§ 6. That the said work shall be received as evidence and authority in all the courts and tribunals of this State.

Approved February 9, 1860.

1860.

CHAPTER 185.

AN ACT to change the time of holding the Quarterly Court of Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court of Trimble county shall hereafter be holden on the first Monday in the months of March, June, September, and December, instead of the time now fixed by law.

§ 2. This act to take effect from and after its passage.

Approved February 9, 1860.

CHAPTER 188.

AN ACT to transfer the equity and criminal causes in the Graves Circuit Court to the Equity and Criminal Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Graves circuit court is authorized, and hereby directed, to transfer the equity and criminal causes now pending in the Graves circuit court to the equity and criminal docket of the equity and criminal court of said Graves county.

§ 2. That this act take effect from its passage.

Approved February 10, 1860.

CHAPTER 189.

AN ACT to extend the February term, 1860, of the Montgomery Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Montgomery circuit court may extend the February term of said court till the third Monday in March, 1860, by entering an order, during the regular February term, 1860, of said court, declaring such extension of the term either to the third Monday in March, or any shorter period.

§ 2. This act shall take effect from its passage.

Approved February 11, 1860.

CHAPTER 190.

1860.

AN ACT to establish an Institution for the education of idiots and feeble-minded children.

WHEREAS, There are over five hundred idiotic or feeble-minded persons supported by the State of Kentucky, at an annual expense of about thirty thousand dollars, which is yearly increasing in amount; and there are known to be many others in the State sustained by their friends: And whereas, Schools have been successfully established for the education and training of this imbecile and helpless class, both in Europe and America, by which it has been demonstrated that they are capable of comparatively very great improvement, and that their infirmity may, to a considerable degree, be relieved, and so far that, in many cases, they may become intelligent, useful, and self-sustaining; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, established an Institution for the education and training of the feeble-minded children of the Commonwealth, under the corporate name and title of "The Commissioners of the Kentucky Institution for the Education and Training of Feeble-minded Children."

§ Institution established.

§ 2. The commissioners of said Institution, to be appointed as hereinafter directed, shall be, and they are hereby, constituted a body corporate, with all the usual powers of a corporation, necessary to carry out the objects of the establishment of said Institution, with perpetual succession; with authority to purchase and hold, or to rent or hire, or to receive by gift or bequest, property, real or personal, for the objects of said Institution; with capacity of contracting and of being contracted with, of suing and being sued, of pleading and being impleaded, and of using a common seal, and of altering the same at pleasure.

§ Commissioners incorporated.

§ 3. The commissioners of said Institution shall be eighteen in number, to be appointed by the Governor, with and by the advice and consent of the Senate; six of them to reside in the county in which the Institution shall be located, six in the counties immediately adjoining the same, and six in other parts of the State; five of whom shall constitute a quorum. Two of each class, in the order of their names as appointed, shall go out of office every two years, but may be reappointed. They shall retain their office, however, until their successors are appointed. In case of the death or resignation of a member, the board of commissioners shall have power to supply the vacancy to the end of his time. The commissioners shall previously take an oath, before any properly authorized officer, faithfully to perform the duties of their office, a certificate of which shall be recorded by the secretary.

§ Eighteen commissioners to be appointed.

Term of office.

§ To take an oath.

1860.

Board of Commissioners may hold two meetings annually.

President of the Board may call a meeting at any time.

Executive committee.

Superintendent and teachers.

Salaries.

Classes.

Treasurer.

Appropriations for pupils and support of institution.

Parents and guardians of certain pupils to pay.

Account of purchases of supplies to be kept and reported and paid out of the treasury.

Expenditures to be reported

§ 4. The board of commissioners shall hold at least two meetings in each year, at stated periods; and the necessary traveling expenses of the commissioners living out of the county where the Institution is located, shall be paid by the board on presentation. The president of the board, who shall be one of the resident members, shall have authority to call a meeting of the board at any time. Three of the resident members shall be appointed an executive committee, during the intervals of the meetings of the board, two of whom shall form a quorum, who shall keep by the secretary of the institution a record of their acts and doings, to be presented at the next meeting of the board for their approval or disapproval.

§ 5. The board of commissioners shall appoint the superintendent of the Institution. He shall appoint the teachers and other subordinate officers, by and with the approval and consent of the board. The board shall fix the salaries of all the officers. They shall regulate the character and age of the pupils to be received, and they shall divide them into classes according to intellect, and regulate the time of each class in the Institution.

§ 6. The board shall appoint a treasurer, who shall not be a member of the board, and a secretary, each of whom shall receive adequate salaries.

§ 7. There shall be, and is hereby, appropriated, for the support—including board, instruction, clothing, and medical attendance—of each pupil, the sum of one hundred and fifty dollars per annum, payable quarterly; and the sum of three thousand per annum, payable quarterly in advance, from the time of the passage of this act, for the general support of the Institution—payment of salaries, purchase of books, furniture, maps, apparatus, and for improvements, contingent expenses, &c. It shall be the duty of the superintendent to require each parent or guardian to pay whatever sum per annum, in his judgment, after due inquiry, he or she may be able to pay towards the support of his or her child or ward in the Institution. From the entirely indigent nothing shall be required.

§ 8. It shall be the duty of the superintendent to keep, or cause to be kept, a detailed account of all the supplies purchased or expenses incurred, except salaries. He shall render a weekly or monthly account of the same to the secretary, or to an auditor appointed for the purpose, who shall audit the same; whereupon the secretary shall draw a warrant for its payment upon the treasurer. The executive committee may advance the superintendent such weekly or monthly sums as may be necessary to meet current expenses.

§ 9. The superintendent shall make to the Auditor of the State a quarterly return of all the expenditures and income

of the Institution of every kind, with proper vouchers, which it shall be his duty to audit, and certify a general statement thereof to the Legislature biennially.

§ 10. The secretary and treasurer shall keep full and independent accounts of the income and expenditures of the Institution, which they shall compare once a year. The treasurer shall lay before the board his report, audited and certified by the secretary. He shall make no disbursements, except upon the warrant of the secretary.

§ 11. It shall be the duty of the commissioners to make a biennial report to the Legislature, accompanied by a catalogue of the pupils, and a report from the treasurer for each year.

§ 12. The Institution shall be located in Franklin county, and the sum of twenty thousand dollars, payable in three equal annual payments from the passage of this act, shall be, and the same is hereby, appropriated, to enable the board of commissioners to purchase grounds and erect suitable buildings. It shall be their duty to employ a competent architect to furnish a plan and superintend their erection. Before, however, the plan obtained and agreed upon by the board shall be executed, it shall be laid before and approved by the Governor. The board of commissioners shall in the meantime make temporary provision for putting the Institution into operation.

Approved February 11, 1860.

1860.

to the Legislature.

Secretary and treasurer to keep accounts.

Biennial report to be made to the Legislature.

Institution to be located in Franklin co., and \$20,000 appropriated to purchase grounds and erect buildings.

CHAPTER 191.

AN ACT to amend the charters of the Farmers' Bank of Kentucky, and the Southern Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amount of the capital which shall be employed at the principal bank, and the several branches of the Farmers' Bank of Kentucky, shall be under the control of the president and directors of the principal bank, so as to employ the same most advantageously to the community and the stockholders, any thing in the charter of said bank to the contrary notwithstanding—subject to the following restrictions and provisions:

1. No more than one fourth of the capital stock actually paid in shall at any time be employed at the principal bank.

2. Said bank shall pay into the treasury of the Commonwealth, for the benefit of the common school fund, a tax of fifty cents on every one hundred dollars of surplus accumulated profits, agreeably to the provisions of "An act amending the charters of the several banks of Kentucky,"

Capital of principal bank and branches to be under control of president and directors of principal bank subject to restrictions.

1st Sess. Acts 1857-8, p. 86.

1860.

approved February 17, 1858, which said bank is authorized to hold to the extent of one half of her capital stock actually paid in, and no more ; with this condition, that for each one hundred thousand dollars of such profits accumulated, the privilege granted to said bank by its charter, to issue notes to pass as money, to a like extent be curtailed ; and provided no part of the present capital paid in and employed by any branch shall be withdrawn without the consent of the board of directors of such branch.

Same to
Southern Bank
so far as appli-
cable.

§ 2. The Southern Bank of Kentucky is authorized to increase its surplus or contingent fund to the same extent, and on the same terms and conditions of this act which apply to that subject.

Approved February 11, 1860

CHAPTER 193.

AN ACT regulating the Circuit Courts of the Eleventh Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the spring and fall terms of the Bath circuit court shall begin as now required by law, and continue eighteen juridical days at each term, if the business of the court require it.

That the terms of the Carter circuit court shall begin the Monday succeeding the close of the Bath circuit court, and continue twelve juridical days, if the business of the court require it.

That the terms of the Lawrence circuit court shall begin the Monday succeeding the close of the Carter circuit court, and continue twelve juridical days, if the business of the court require it.

That the terms of the Johnson circuit court shall begin the Monday ensuing the close of the Lawrence circuit court, and continue six juridical days.

That the terms of the Pike circuit court shall begin the Monday succeeding the Johnson circuit court, and continue twelve juridical days, if the business of the court require it.

That the Floyd circuit court shall begin the Mondays ensuing the close of the Pike circuit court, and continue eighteen juridical days, if the business of the court require it.

That the Montgomery and Powell circuit courts shall respectively begin as now required by law, except that the July term of the Montgomery circuit court is hereby abolished ; but it shall be the duty of the judge of said court, whenever the business shall require it, and it will not conflict with any of the terms in said circuit now established by law, to order and hold special terms of said court for the

trial of chancery and criminal causes; notice of which shall be given as now required by law.

1860.

§ 2. This act to take effect from and after its passage.

Approved February 11, 1860.

CHAPTER 207.

AN ACT to amend the 2d section of an act directing certain terms of the Kenton Circuit Court to be held in Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any suit in ordinary, brought in the Kenton circuit court at Covington, the defendant or defendants may, if he or they all reside in Kenton county, and nearer to the court-house in Independence than to the city of Covington, in writing require the sheriff or other officer, at the time the summons or other original process is executed, but not afterwards, to note in his return that such defendants, or any one of them, elects to have the cause tried at Independence, and the officer so notified shall return the process, accompanied with said written notice, to the clerk of the court whence it issued, indorsed "to be tried at Independence;" and upon such return being made, the clerk of said court shall docket the case for trial at the next term, to be held at that place: *Provided*, That no defendant shall have the right to make such election after the cause has been tried, as to any of his co-defendants, or where the cause has passed one term on the docket at Covington.

Defendant in actions ordinary in certain cases may elect to have trial at Independence, and officer so to return the process.

§ 2. That in any suit in ordinary, brought in the Kenton circuit court at Independence, the defendant or defendants may, if he or they all reside in Kenton county, and nearer to the city of Covington than to the court-house in Independence, in writing require the sheriff or other officer, at the time the summons or other original process is executed, but not afterwards, to note in his return that such defendants, or any of them, elects to have the cause tried at Covington; and the officer so notified shall return the process, accompanied with said written notice, to the clerk of the court whence it issued, indorsed, "to be tried in Covington;" and upon such return being made, the clerk of said court shall docket the case for trial at the next term of the court to be held at Covington: *Provided*, That no defendant shall have the right to make such election after the cause has been tried, as to any of his co-defendants, or where the cause has passed one term on the docket at Independence.

Defendant in like actions may in certain cases elect to have trial at Covington, and officer so to return process.

§ 3. That in all cases where an election is made, as provided in the preceding sections, it shall be the duty of the sheriff or other officer to return the summons or other original process to the office of the clerk within ten days from the time the same is fully executed.

1860.

Repealing
clause.

§ 4. That so much of the second section of an act, approved February 21, 1850, entitled "An act to direct certain terms of the Kenton circuit court to be held in Covington," as is inconsistent with the provisions of this act, be, and the same is hereby, repealed.

§ 5. This act shall take effect from and after the first day of April next.

Approved February 15, 1860.

CHAPTER 225.

AN ACT to change the time of holding the Garrard County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the county courts of Garrard county shall be held on the fourth Mondays in each month, except February and August, and in said months they shall be held on the second Monday.

Approved February 15, 1860.

CHAPTER 227.

AN ACT to legalize acknowledgments of deeds, &c., taken before B. W. Foley, Mayor of Covington.

WHEREAS, It is represented to this General Assembly that a large number of deeds, mortgages, and other written instruments have heretofore been acknowledged by the parties thereto before B. W. Foley, mayor of the city of Covington, which deeds and other writings have been admitted to record in the proper office, in Kenton county and elsewhere; and whereas, doubts have existed, and do now exist, as to the power of said mayor to take said acknowledgments; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acknowledgment of deeds, Mortgages, &c., before Mayor of Covington heretofore made, legalized

§ 1. That all acknowledgments of deeds, mortgages, and other writings heretofore taken before B. W. Foley, mayor of the city of Covington, be, and the same are hereby, legalized, and such acknowledgments shall have the same effect, in all respects whatever, as if they had been made before the clerk of the county court of Kenton county; and certified copies of such instruments shall be entitled to the same credit, as evidence in all courts and other places, as like copies of writings acknowledged before said clerk: *Provided*, That nothing in this act shall be so construed as to legalize any acknowledgments which would not have been valid if made before the clerk of said county court.

§ 2. That this act shall take effect from and after its passage.

1860.

Approved February 15, 1860.

CHAPTER 250.

AN ACT to amend an act establishing the county of Metcalfe, and to fix the time of holding courts in the Fourth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners appointed to lay off, survey, run, and mark the boundary line of the county of Metcalfe, enter upon their duty on or before the tenth day of March, 1860, and complete the same on or before the first Monday in April thereafter.

Time in which county lines to be run and marked.

§ 2. That the commissioners heretofore appointed to locate the county seat of said county of Metcalfe be required and directed to designate the name by which said county seat shall be known and called.

Commissioners to name county seat.

§ 3. That the county courts in said county of Metcalfe shall be held at the county seat thereof, on the fourth Mondays in each month in which there is no circuit courts held in said county. The quarterly court therein shall be held at the same place, on the Tuesday after the fourth Mondays in the months of January, April, July, and October. The circuit courts in said county shall be held at the same place, commencing on the fourth Mondays in March and September, and continue at each term six juridical days, if the business requires it. An equity and criminal court shall also be held in said county, at the county seat thereof, commencing on the first Monday in May and second Monday in November, and continue at each term six juridical days, if the business require it: *Provided*, That the first county court shall be held as soon after the election and qualification of the presiding judge of the county court as may be.

County Courts, when to be held

Quarterly Courts.

Circuit Courts.

Eq. and Crim. Court.

§ 4. It shall be the duty of the presiding judge of said county, immediately after he shall have received his commission and been qualified thereunder, to hold a county court, administer the oath required by law to the county court clerk, and to take from him bond and approved surety for the faithful performance of his duty, as now required by law; and also to take bond and administer the proper oaths to the other officers elected for said county and the several districts therein, according to the laws now in force in relation to such officers.

First County Court.

§ 5. That said county of Metcalfe form and become a part of the fourth judicial and third congressional districts of the State of Kentucky, until otherwise changed by law;

Metcalfe to be part of the 4th Judicial District.

1860.

Barren to have
eighteen jurid-
ical days at
each term.

and so much of the act to regulate the terms of the circuit courts and the equity and criminal courts in the fourth judicial district, approved February 12, 1858, as requires the circuit court to be held twenty-four juridical days in the county of Barren, at the several terms thereof, be, and the same is hereby, repealed; and hereafter the circuit courts in the county of Barren shall be held, at each term, eighteen juridical days.

§ 6. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 252.

AN ACT to change the time of holding the Quarterly Courts in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the quarterly courts of Jessamine county shall be held on the first Monday in February, May, second Monday in August, and first Monday in November, instead of the second Mondays, as heretofore they were held.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 253.

AN ACT to provide for paving around the Capitol Square.

WHEREAS, The iron fence around the Capitol square is suffering injury on account of no pavement being in front of it on the east, north, and west sides of said square, and the curbing is already laid,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Governor be, and he is hereby, directed to cause a pavement to be laid within said curbing, on the east, north, and west sides of the Capitol square: *Provided*, That not more than eight hundred dollars shall be expended therefor. The Auditor shall draw his warrant upon the Treasurer for the amount so expended by him, to be paid out of any moneys not otherwise appropriated.

Approved February 15, 1860.

CHAPTER 282.

1860.

AN ACT authorizing the Mason County Court to build fire-proof Clerks' offices, and levy and collect a tax to pay therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Mason county shall, at its court of claims, a majority of all the justices of the peace being present and concurring therein, have power to order, and thereafter to contract for, the building of fire-proof offices for the clerks of the Mason circuit and county courts.

County Court to contract for and have fire-proof offices built.

§ 2. Said court shall have power and authority, for the purpose of paying, or assist in paying for said buildings, at said court of claims, to levy and provide for the collection of such an *ad valorem* tax upon the real and personal property in said county, subject to taxation for State revenue purposes, as the said court may deem proper, during any number of years within the discretion of the court.

To levy tax therefor.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 283.

AN ACT declaring Stanton's editions of the Codes of Practice and Revised Statutes to be evidence in the courts of the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the editions of the Codes of Practice and Revised Statutes, by Richard H. Stanton, shall be received as evidence in the courts and tribunals of the State of Kentucky.

§ 2. That this act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 286.

AN ACT to repeal the Equity and Criminal Court in Ballard and Graves counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a criminal and equity court in the first judicial district," be, and the same is hereby, repealed, so far as the same applies to the counties of Ballard and Graves, and the clerks of the Ballard and Graves circuit courts are directed to transfer all equity and criminal actions now on the dockets of the

1st Sess. Acts 1855-6, p. 39.

Equity and Criminal Co'ts. in Ballard and Graves abolished. Equity and Criminal cases to be

1860.

transferred to
Circuit Court,
and its juris-
diction restor'd

equity and criminal court to the dockets of the circuit courts; and that the jurisdiction of the Ballard and Graves circuit courts, in equity and criminal cases, is hereby restored.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1860.

CHAPTER 288.

AN ACT to establish the county of Boyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County of
Boyd established.

Boundary.

§ 1. That from and after the first day of May, 1860, so much of the counties of Greenup, Carter, and Lawrence as is included within the following boundary, is hereby erected into and established a separate and distinct county, to be known and called Boyd county, viz: Beginning on the Ohio river at the upper corner of the farm of Gen. John Poage, where it joins the farm lately owned by Jacob Sheeler; from thence a straight line to the mouth of Brush creek, a tributary of the East Fork of Little Sandy; thence up the point of the ridge immediately above the mouth of Brush creek, and continuing on the ridge to the dividing ridge between Brush creek and Straight creek, and with said ridge to the dividing ridge between Straight creek and Cane creek; thence with the dividing ridge between said waters until it strikes the Carter county line; thence with said line to Williams' creek; thence up Williams' creek to the mouth of the Rush Fork; thence from the mouth of the Rush Fork a straight line to the head of the Bolt's Fork, where the Carter and Lawrence county lines join; thence with the dividing ridge between Bolt's Fork and the main East Fork, continuing on the ridge, and from the ridge to the mouth of Bolt's Fork; thence from the mouth of Bolt's Fork a straight line to the head of Rush creek; thence with the ridge on the north side of said creek to its mouth, and thence down the Big Sandy river to the Ohio, and down the Ohio to the beginning.

Commission-
ers appointed
to locate coun-
ty seat.

§ 2. For the purpose of locating and determining the most suitable and convenient place for the seat of justice in said county, Maj. John C. Kouns, of Greenup county, Benjamin F. Crawford, of Carter county, Samuel Short, of Lawrence county, Thomas S. Brown, of Johnson county, and James M. Lackey, of Floyd county, are appointed commissioners for that purpose, a majority of whom may act, after having been duly qualified faithfully to discharge the duty assigned them. Said commissioners shall meet at the Hampton House, in the town of Catlettsburg, on the

fourth Monday in March, 1860, and on said day shall proceed to locate said seat of justice; and may adjourn from time to time, and place to place, until they shall have completed the duties herein assigned them; and when they shall have located the county seat of said county, they shall sign two written certificates of the same, one of which they shall transmit to the Secretary of State, and the other they shall lodge in the hands of John Clark, who shall deliver the same to the county court clerk of said county, when one shall have been elected, who shall record the same in his office.

1860.

§ 3. The county of Boyd shall be divided into six justices' districts, which districts shall also be election precincts; in each of which there shall be elected two justices of the peace and one constable. Jabez Hold, William Williams, sr., Benjamin Ulin, John C. Eastham, William Prichard, William Campbell, and James Prichard, a majority of whom may act, are appointed commissioners to lay off and district, and designate the places of voting therein. Before they enter upon the duties herein assigned them, they shall take an oath faithfully to discharge the same. They shall meet at the Hampton House, in the town of Catlettsburg, on the fourth Monday in March, 1860, or as soon thereafter as may be, and proceed to discharge the duties imposed on them by this act, and may adjourn from time to time, and place to place, until they complete the same. They shall lodge in the hands of John Clark certified copies of said districts, who shall hold the same until a county court clerk for said county is elected, and then deliver the same to said clerk, who shall record the same in his office; and said commissioners shall also transmit to the Secretary of State a certified copy of said districts. They shall also, at the same time, designate two suitable persons to act as judges; also a clerk, and some fit person for sheriff in each of said districts, whose duty it shall be to attend the first election of officers for said county; and the said officers, thus appointed, shall take an oath faithfully and impartially to discharge the duties of their respective offices.

Commissioners appointed to lay off the co. into justices & election districts.

Judges, clerk, and Sheriff of first election.

§ 4. An election shall be held in said county on the first Saturday in May, 1860, for the election of circuit court clerk, a county court clerk, a presiding judge of the county court, sheriff, jailer, coroner, assessor of tax, and county attorney, and two justices of the peace and one constable in each justices' district in said county. The persons who act as sheriffs of the election shall meet at the Hampton House, in Catlettsburg, on the third day after the election, and carefully compare the polls, and shall sign three certificates of the election of the persons elected to each office, designating the person who received the highest number of

First election of officers.

1860.

Officers to be
commissioned.

Term of office
of first officers.

County court
to purchase
public ground,
and have erect-
ed public
buildings; and
levy tax to pay
for the same.

When County
and Quarterly
Courts to be
held.

That part of
Boyd county
taken from
Carter not to be
released from
their county
bonds; but to
pay the levies
as laid by Car-
ter County Co't
therefor, till
their county
bonds are fully
discharged.

votes, and the office to which he is elected; one of which they shall transmit to the Secretary of State, one to the officer elected, and they shall lodge one in the hands of John Clark, who shall deliver it to the county court clerk of the county of Boyd, when one shall be elected, which shall be by said clerk duly recorded in his office. It shall be the duty of the Governor of this Commonwealth to commission such of said officers, so elected, as are required by existing laws to be commissioned. The officers first elected under the provisions of this act shall hold their respective offices until the next regular election for like officers, and until their successors are elected and qualified. They shall take the oaths, and execute such bond, as required by the existing laws for like officers.

§ 5. The presiding judge of the county court and justices of the peace of said county, a majority of said justices concurring, are authorized and empowered to select suitable lots of ground at the seat of justice of said county, upon which to erect the necessary public buildings, and to purchase and make provision for the payment of the same, by levying a poll tax on each tithable in said county, from year to year, until the same is fully paid; or they may receive said lots of ground by donation; and when so purchased or donated, the vendor or donor shall make deeds of conveyance to the county court of said county for said lot or lots of ground, and the title thereof shall vest in the county court, for the use of said county.

§ 6. The county court of said county shall be held on the 4th Monday in each month, and the quarterly courts shall be held on Tuesday after the fourth Monday in March, June, September, and December.

§ 7. That nothing in this act shall be construed to release the citizens and property now subject, or which may hereafter become subject, to taxation within the boundary of Carter county, included in the first section of this act, from being held and made liable for the bonds and interest issued to the Lexington and Big Sandy Railroad Company, as though this act had never been passed. The commissioners of tax for Carter county shall annually assess and take in all taxable property within the aforesaid boundary; and the sheriff of Carter county shall annually collect the revenue and railroad tax within the boundary of Carter county, as included and described in the first section of this act, and shall account for and pay the same as required by the existing laws: *Provided*, This section shall become inoperative whenever the county of Carter pays off the debt and interest on the bonds issued to the Lexington and Big Sandy Railroad Company, or becomes otherwise released or discharged from the payment thereof.

1860.

§ 8. It shall be the duty of the county court of said county to provide suitable rooms in which to hold the circuit and county courts, until a court-house shall be erected for said county.

County Court to furnish co't rooms.

§ 9. That S. H. Wolcott be, and he is appointed, a commissioner, with such assistance as he may deem necessary to employ, to run and plainly mark the boundary line of Boyd county, as laid down in the first section of this act. He shall make out two written certificates, one of which he shall transmit to the Secretary of State, and the other he shall deliver to the county court clerk, who shall record the same in his office.

Boundary lines to be run and marked.

§ 10. It shall be the duty of the county court of said county to allow each of the commissioners appointed in this act, and their assistants, reasonable compensation for their services, and make provision for the payment of the same out of the county levy.

To be paid for out of the county levy.

§ 11. the assessors of tax of the counties of Greenup and Lawrence, for the year 1860, shall proceed as though this act had not passed, except they shall make out separate books of that portion of their respective counties that has been stricken off and included within the county of Boyd, and return the same to the county court of Boyd county.

How present year's taxes to be assessed.

§ 12. The county of Boyd shall have the use of the jail of Greenup county until a jail be built for said county of Boyd, and the jailer of Greenup county shall receive all persons committed from the county of Boyd, under the same rules and regulations as if committed from Greenup county.

To have the use of Greenup county jail.

§ 13. The Secretary of State is hereby directed to furnish the county of Boyd with all the necessary books required by law to be furnished to county officers and clerk's offices within the Commonwealth.

Secretary of State to furnish officers with necessary books.

§ 14. The counties of Greenup, Carter, and Lawrence shall have jurisdiction in all things until this act takes effect, as though the same had not passed.

Approved February 16, 1860.

CHAPTER 291.

AN ACT to create the Fourteenth Judicial District in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourteenth judicial district is hereby established, and shall be composed of the counties of Livingston, Crittenden, Union, Hopkins, and Henderson; and the Governor shall appoint and commission a circuit judge and

Fourteenth Judicial District established.

1860. Commonwealth's attorney for said district, possessing the constitutional qualifications, who shall hold their respective offices until their successors shall be duly elected at the next August election and qualified.

Union.

§ 2. That the Union circuit court shall be held on the first Mondays in April and October, and continue each term twenty-four juridical days, if the business shall require it.

Crittenden.

That the Crittenden circuit court shall be held on the first Mondays in May and November, and shall continue twelve juridical days, if the business shall require it.

Hopkins.

That the Hopkins circuit court shall be held on the fourth Monday in May and third Monday in November, and continue twelve juridical days, if the business shall require it.

Henderson.

That the Henderson circuit court shall be held on the second Monday in June and first Monday in December, and continue thirty juridical days, if the business shall require it.

Livingston.

That the Livingston circuit court shall be held on the second Mondays in August and February, and continue eighteen juridical days, if the business shall require it.

Call terms.

§ 3. That the judge of said district shall have power and authority to hold a court in any of said counties for the trial of criminal and chancery causes, at such time as he shall designate and appoint.

Process and
recognizances.

§ 4. That all recognizances and process in any of said courts shall stand and be made returnable at the terms of said courts herein specified and directed to be held.

Judge and
Com'th Attorney
to be elect-
ed.

§ 5. The sheriffs of Union, Hopkins, Henderson, McLean, Crittenden, and Livingston, shall cause a poll to be opened at the several voting precincts in said counties, for an election of a judge and Commonwealth's attorney for said district, on the first Monday in August, 1860, and shall cause the vote cast at said election to be compared and certified, as now required by law for the election of such officers, under the pains and penalties therein prescribed.

§ 6. That all equity and criminal cases now standing on the docket of the counties of Livingston, Crittenden, and Union, and cognizable in the equity and criminal court of the first district, shall be transferred to, and be docketed and cognizable in, the courts of said district.

Eq. & Crim.
Court repealed

§ 7. That the act creating the equity and criminal court in the counties of Union, Crittenden, Livingston, and Lyon, is hereby repealed, so far as it relates to said county.

§ 8. This act shall take effect from and after its passage.

Approved February 17, 1860.

CHAPTER 292.

1860.

AN ACT to regulate the times of holding the Circuit, and Equity and Criminal Courts for the first Judicial District of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts for the several counties in the first judicial district in this Commonwealth shall commence in said counties at the times hereinafter specified, and be held the number of juridical days allotted to each term, if the business of the court shall require it, viz :

In the county of Hickman, the fourth Mondays in February and August, and continue each twelve juridical days.

In the county of Fulton, the second Mondays in March and September, and continue each twelve juridical days.

In the county of Ballard, the fourth Mondays in March and September, and continue each twelve juridical days.

In the county of McCracken, the second Mondays in April and October, and continue each thirty juridical days.

In the county of Graves, the third Mondays in May and November, and continue each eighteen juridical days.

In the county of Calloway, the second Mondays in June and December, and continue each twelve juridical days.

In the county of Marshall, the fourth Mondays in June and December, and continue each twelve juridical days.

§ 2. That the terms of the equity and criminal court, in and for said district, shall be held and continued in the several counties of said district, as follows, if the business shall require it:

In the county of Hickman, the second Mondays in November and May, and continue each twelve juridical days.

In the county of Fulton, the fourth Mondays in November and May, and continue each eighteen juridical days.

In the county of McCracken, the first Mondays in January and July, and continue each thirty juridical days.

In the county of Marshall, the second Mondays in March and September, and continue each twelve juridical days.

In the county of Calloway, the fourth Mondays in February and August, and continue each twelve juridical days.

In the county of Graves, the first Mondays in February and August, and continue each eighteen juridical days.

§ 3. That the county of Lyon is, by this act, stricken from the first judicial district, and the equity and criminal court for said county is repealed, and the business of said court is, by this act, transferred to the circuit court of said county, and the clerk of said court is directed and required to place all of said business upon the appropriate dockets of the circuit court for said county; and all process returnable to the equity and criminal court is hereby required to be returned to the circuit court, and to have the same effect as if originally made returnable to said circuit court; and the

Time Circuit Courts in First Judicial District shall be held.

Hickman.

Fulton.

Ballard.

McCracken.

Graves.

Calloway.

Marshall.

Time of holding Equity and Crim. Courts in

Hickman.

Fulton.

McCracken.

Marshall.

Calloway.

Graves.

Lyon county stricken from 1st District, and Eq. and Crim. Court in repealed, and business to be transferred to Circ't Court docket.

1860.

circuit court of said county shall have full power and jurisdiction to try and dispose of all such business, as if the same had been originally brought in that court.

Law process—
how to be re-
turned.

§ 4. That in all cases where process has been issued by the clerks of the courts of the first judicial district, or which may be by them issued before they receive information of the passage of this act, and which are made returnable to the respective terms of said courts, as heretofore fixed by law, it shall be lawful and valid to return said process to the first succeeding terms of said courts respectively, as fixed by this act; and the sheriffs and other officers are so directed to return processes in their hands; and when such returns are made by them, they shall have the same effect as if issued returnable to the first terms of the courts as fixed by this act, and all such process is made valid and legal.

Com'ly Attor-
ney's duty.

§ 5. It shall be the duty of the attorney for the Commonwealth for said district to attend the circuit courts for Ballard county, for the purpose of discharging his duties as such in said county. This act to take effect from and after its passage, except as to the counties of Hickman and Fulton, to which counties it is not to apply till the second Monday in April, 1860: *And provided also*, That the clerks of the several courts in said judicial district shall be governed by this act in opening all jury lists, and the sheriffs in summoning the juries.

Clerks and
Sheriffs' duty
in regard to ju-
ry list, &c.

Approved February 18, 1860.

CHAPTER 316.

AN ACT to amend an act, entitled "An act to regulate the Circuit Courts in the Third Judicial District."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the above recited act, approved February 6, 1860, as fixes the sittings of the Meade circuit court, and as fixes the number of days to the Hardin circuit court, be repealed.

Meade.

§ 2. That the Meade circuit court shall, after the first day of June next, commence on the fourth Mondays in January and July, and continue twelve juridical days, if the business thereof require it.

Hardin.

§ 3. That the terms of the Hardin circuit court, fixed by said act to commence on the fourth Mondays in May and November, shall each continue eighteen juridical days, if the business thereof require it.

§ 4. By which arrangement the courts of the whole circuit will commence, and, if the business require, continue as follows:

Meade county, fourth Mondays in January and July, twelve days. 1860.

Hancock county, second Mondays in February and August, six days.

Daviess county, third Mondays in February and August, eighteen days.

McLean county, second Mondays in March and September, twelve days.

Ohio county, fourth Mondays in March and September, twelve days.

Breckinridge county, second Mondays in April and October, twelve days.

Grayson county, fourth Mondays in April and October, twelve days.

Larue county, second Mondays in May and November, twelve days.

Hardin county, fourth Mondays in May and November, eighteen days.

§ 5. This act to take effect on the first day of June, 1860, as to the counties of Hancock, Daviess, McLean, Ohio, Breckinridge, and Meade; and as to Grayson, Larue, and Hardin, to take effect from its passage.

Approved February 18, 1860.

CHAPTER 322.

AN ACT in relation to compiling and indexing the laws of a general nature of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the acts passed at the present session, of a general and not local or private character, be printed under the superintendence of the Attorney General, whose duty it shall be to prepare a full and accurate index of the same. He shall make the necessary side notes, referring to the chapter and page of the Revised Statutes and Code of Practice, or other book containing the statutes; where a former law has been altered, modified, or repealed.

General laws to be printed under the superintendence of Att'y Gen'l.

§ 2. It shall be his duty to perform a like service during and immediately after each session of the General Assembly, in regard to the general laws which may be hereafter passed.

§ 3. He shall receive for his services such compensation as the Governor may deem reasonable, not exceeding, however, the amount heretofore allowed by law to the clerk of the General Assembly for making an index to his journal for each session.

Compensation.

Approved February 18, 1860.

1860.

CHAPTER 342.

AN ACT to change the law in relation to warrants against persons for failing to work on roads in Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Persons failing to work on roads in Carter county, how proceeded against.

2 Stanton's Revised Statutes, p. 290.

§ 1. That hereafter any person assigned to work on a road in the county of Carter, who shall violate the provisions of section 23, article 1, chapter 84, of the Revised Statutes, by failing to attend with proper tools, without a reasonable excuse, when required by the surveyor of his precinct, or who shall fail to labor when in attendance, or to furnish a proper substitute, may be noticed and summoned to trial before any justice of the peace in and for said county, out of the regular time: *Provided*, The defendant shall have at least five days' notice of the time and place of trial: *And provided further*, That the warrant in such cases shall not be returned for trial out of the defendant's district without his consent in writing, signed by him and indorsed on the warrant.

§ 2. This act to take effect from its passage.

Approved February 18, 1860.

CHAPTER 351.

AN ACT to establish an office for the recording of deeds and mortgages at Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Office for recording deeds and other writings, established in Covington, as to real estate lying in Covington, or within the first magistrates' district.

§ 1. That hereafter it shall be the duty of the clerk of the Kenton county court to record at his office in the city of Covington, in suitable books to be procured for that purpose, all deeds and mortgages for the conveyance of real estate situated within the corporate limits of said city, or within the limits of the first magistrates' district in the county of Kenton and outside of said city; and such records are hereby declared to be public, and shall have the same effect in all respects whatever, and for every purpose, as the records of deeds and mortgages at Independence, in said county, now have under the existing laws of this Commonwealth. Deeds of trust, assignments, and mortgages of personal property shall be in like manner, if the property conveyed be at the time situated within the territory aforesaid, recorded in the office of said clerk at Covington; and such recording shall also have the same effect for every purpose as the recording of such instrument at Independence now has by law.

§ 2. That in all cases where the real estate conveyed by any deed or mortgage is situated partly within the terri-

Where part lies in said ter-

tory aforesaid, and partly within the county of Kenton outside of said territory, the conveyance shall not be recorded at Covington, unless the greater part of such real estate lies within the aforesaid limits, but shall be recorded as heretofore required by law.

§ 3. That from and after the first day of May, 1860, it shall not be lawful to record any deed or other instrument at Independence, which, according to the first section of this act, is required to be recorded at Covington; and the recording of such an instrument at Independence shall be null and void and of no effect whatever.

§ 4. That certified copies of conveyances recorded at Covington, as herein provided, shall be used as evidence in all courts and places whatsoever in this Commonwealth, and shall be entitled to the same faith and credit as like copies from the offices of the several county court clerks now have by law.

§ 5. That this act shall take effect from and after its passage.

Approved February 18, 1860.

CHAPTER 364.

AN ACT to change the time of holding Quarterly Courts in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the quarterly courts of Whitley county shall, after the passage of this act, be held on the first Mondays in January, April, July, and October, and may continue each term six days, if the business require it.

Approved February 18, 1860.

CHAPTER 368.

AN ACT authorizing an increase of the capital stock of the Commercial Bank of Kentucky, with power to establish three additional branches.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of the Commercial Bank of Kentucky may be increased nine hundred thousand dollars; and they shall establish three additional branches of said bank, one of which shall be located at Cynthiana, in Harrison county; one at Lebanon, in Marion county, and one at Newport, in Campbell county.

§ 2. That said bank, neither at the parent bank nor at any of its branches, shall at any time invest in bills of exchange more than double the amount of notes discounted,

1860.

ritory, and part out of the same

Deeds, &c., for real estate in said territory, after 1st of May 1860, not to be recorded at Independence.

Copies to be used as evidence.

Capital stock increased \$900,000.

Three additional branches to be estab'd.

Not to invest in bills of exchange more than double amt of notes.

1860.

and suspended
debt and other
six per ct. in-
vestments.

Tax.

and suspended debt and other investment of said bank or branches, bearing six per cent. interest, excluding from the computation of bills of exchange the remittances which said bank may make for collection at points where the funds may accumulate.

§ 3. That said bank shall be, and is hereby, required to pay annually to the Treasurer of the State, to be by him credited to the sinking fund, fifty cents on each one hundred dollars of the contingent fund now held, or which may hereafter accrue to said bank, over and above the amount now required to be retained by its charter.

§ 4. This act to take affect from and after its passage.

Finally passed February 17, 1860.

CHAPTER 371.

AN ACT offering a reward for the discovery of the cause of the disease called Hog Cholera, and a remedy that will cure said disease.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

\$1,000 reward
to be given to
discoverer of
cause, and rem-
edy for, hog
cholera.

§ 1. That the sum of one thousand dollars be, and the same is hereby, offered, and shall be given to any person who may discover and make known, as herein provided for, the true cause of the disease called hog cholera, and a remedy that will cure said disease.

Claimant of
reward to sub-
mit memorial
to Governor,
who shall ap-
point board to
test the merits
of the claim,
which board
shall report to
next Legisla-
ture.

§ 2. That any person who shall claim to have discovered the cause of said disease, and a remedy that will cure the same, may set forth said discoveries in a written memorial, and the fact of his having discovered the same, together with such facts and circumstances as will tend to show that an inquiry into the matter is worthy of being pursued; which memorial shall be presented to the Governor of this State, who shall refer the same to a board composed of two skillful physicians, one practical chemist, and two practical farmers, to be appointed by him; and said board shall examine and consider said memorial, and a thorough investigation and practical tests made by them of the truth of the matters alleged in the memorial, such as will lead to full investigation and confirmation, and leave no doubt in their minds that the true cause of said disease and a remedy that will cure it has been found; and the result thereof, together with their opinions as to whether the cause of said disease and the remedy therefor will cure the same has been discovered, shall be submitted to the next Legislature succeeding for their approval or disapproval; and if approved, an appropriation shall be made for the payment of the reward.

Where two
claim to have

§ 3. If two persons claim to have discovered the cause of hog cholera, and the remedy that will cure the disease,

the one first presenting his memorial shall be deemed the first discoverer : *Provided*, That he shall, within two months after filing his memorial, proceed to establish his claim, according to the provisions of this act, as discoverer. If he fail in establishing his claim as discoverer, the person next presenting his memorial shall have a right to proceed as herein directed ; and so on in rotation with each memorial presented, until every memorial presented shall have been considered, unless the board shall have previously determined to report in favor of some one of the memorialists.

1860.

made the discovery, how their claims to be settled.

§ 4. This act to take effect from its passage.

Approved February 20, 1860.

CHAPTER 412.

AN ACT to fix the time of holding the next term of the Meade Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the next term of the Meade circuit court shall commence on the third Monday in June, 1860, and continue twelve juridical days, if the business thereof requires it; and this act is only to apply to the first term of said Meade circuit court, and after that to be inoperative.

§ 2. This act to take effect from and after its passage.

Approved February 22, 1860.

CHAPTER 425.

AN ACT for the benefit of Common School Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the common school districts of this State, within which a school was taught according to the provisions of the common school laws, in the school years ending 1854, 1855, 1856, 1857, 1858, and 1859, for which reports have not been made, or heretofore received, may have further time until the first day of October, 1860, to make report and receive the money due thereon from the school fund belonging to the State.

§ 2. That two hundred and fifty copies of this act be printed; and that it shall be the duty of the Auditor to transmit copies of the same to each school commissioner of every county in this State; and that it shall be the duty of the commissioner to give notice of this act to the trustees of the common school districts.

§ 3. This act to take effect from its passage.

Approved February 22, 1860.

1860.

CHAPTER 437.

AN ACT to establish the county of Magoffin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County of Ma-
goffin establ'd.

Boundary.

§ 1. That from and after the 25th day of April, 1860, so much of the counties of Morgan, Johnson, and Floyd as is included in the following boundary, is hereby erected into and established a separate and distinct county, to be known and called Magoffin county, viz: Beginning on the dividing ridge between Licking river waters and Quicksand creek, at the Breathitt county line; thence with the Breathitt and Floyd counties line to the head of Johnson's Fork to the mouth of the Wheel Rim Fork of the Right Hand Fork of Johnson's Fork of Licking river, so as to include all the citizens on the Left Hand Fork of Johnson's Fork; thence a straight line to the head of White Oak creek of Licking river; thence to the fork ridge, and down the same to a point opposite James Oney's; thence a straight line to the head of the McCormick Branch, to where the county road crosses the ridge, so as to include said Oney on the Left Hand Fork of White Oak creek; thence a straight line to David Kennaird's, on the Rock-house Fork of Licking river, so as to include said Kennaird; thence a straight line to the top of the ridge, between the Rock-house and Lacey's creek; thence with said ridge to the waters of the Elk Fork of Licking river; thence with the dividing ridge between the Elk Fork and Rock-house Fork of Licking river, to the head of Brown's Fork of Lacey's Fork of Paint creek, the waters of Sandy river; thence down Brown's Fork to its mouth, including all the waters of the same; thence down Lacey's Fork to its mouth, to the Johnson county line; thence a straight line to the head of the Lower Little Mine Fork, or Tick Lick Fork; thence keeping the dividing ridge between Luttrall's Fork, and others north of the same, to the head of said Luttrall's Fork; thence a straight line to John Luttrall's, on Paint creek, so as not to include said Luttrall's dwelling house; thence a straight line to the upper end of the narrows of Jenny's creek, to the Floyd county line; thence a straight line to the widow May's, on Middle creek, so as to include said widow's dwelling house; thence a south direction to the nearest place on the dividing ridge between Licking river and Middle creek; thence keeping said ridge around Licking waters to the beginning.

County seat
to be named
Salyersville.
How located.

§ 2 The name of the seat of justice of Magoffin county shall be called Salyersville, and shall be located in said county, as near the center thereof as may be, by John Runnells, of Pike county; Joseph Geaheart, of the county of Floyd; Daniel Hagins, of the county of Breathitt; James Fugate, of the county of Morgan, and Daniel Hager, of

1860.

the county of Johnson, who are hereby appointed commissioners for that purpose, a majority of whom may act, after having been duly qualified faithfully to discharge the trust therein assigned them. Said commissioners shall meet at the residence of William Adams, on the 4th Monday of March, 1860, and then and there proceed to locate said seat of justice, and may adjourn from time to time, and from place to place, until they shall have completed the duties herein assigned them; and when they shall have located the county seat of said county, they shall sign two written certificates of the same, one of which they shall transmit to the Secretary of State, and the other they shall lodge in the hands of William Adams, who shall deliver the same to the county court clerk of said county, when one shall have been elected, who shall record the same in his office.

§ 3. The county of Magoffin shall be divided into six justices' districts, which districts shall also be election precincts, in each of which shall be elected two justices of the peace and one constable. B. Homons, sr., Samuel May, Wm. J. Salyers, John Patrick, sr., and Samuel McGuire, a majority of whom may act, are hereby appointed commissioners to lay off and district and designate the places of voting therein; but before they enter upon the duties herein assigned them, they shall take an oath faithfully to discharge the same. They shall meet at the residence of William Adams, on the 4th Monday in March, 1860, or as soon thereafter as may be, and proceed to discharge the duties imposed on them by this act, and may adjourn from time to time, and from place to place, until they complete the same. They shall lodge in the hands of William Adams certified copies of said districts, who shall hold the same until the county court clerk of said county is elected, and then deliver the same to said clerk, who shall record the same in his office; and said commissioners shall also transmit to the Secretary of State a certified copy of said districts. They shall also designate two suitable persons to act as judges, one to act as clerk, and one to act as sheriff, in each of said districts of an election, for the election of county officers for said county, who shall take an oath faithfully and impartially to discharge the duties of their respective offices.

§ 4. An election shall be held in said county on the first Saturday in May, 1860, for the election of circuit court clerk, county court clerk, presiding judge of the county court, sheriff, jailer, coroner, surveyor, assessor of tax, and county attorney, and two justices of the peace and one constable, in each justices' district in said county. Those who act as sheriffs of election shall meet at the residence of William Adams, in said county, on the third day after the election, and carefully compare the polls, and shall

County to be
laid off into six
justices' and
election dist's.

Commissioners
appointed, and
their duties.

Officers of 1st
election.

First election
of officers to be
on 1st Saturday
in May, 1860.

1860.

Officers to be
comm'nd. and
term of office.

Official bonds
to be given.

County Court
authorized to
purchase pub-
lic ground, and
to levy a tax to
pay for same &
for pub. build-
ings.

Time of hold-
ing County C'ts

To provide
rooms to hold
Courts.

Boundary lines
to be run and
marked.

Plan of coun-
ty seat to be
laid down.

Pay to com'rs.

sign the certificates of the persons elected to each office designating the persons who received the highest number of votes, and the office to which he is elected; one of which they shall transmit to the Secretary of State, one to the officer elected, and they shall lodge one in the hands of William Adams, who shall deliver it to the county court clerk of the county of Magoffin, when one shall be elected, which shall be by said clerk duly recorded in his office. It shall be the duty of the Governor of this Commonwealth to commission such of said officers, so elected, as are required by existing laws to be commissioned. The officers first elected under the provisions of this act shall hold their respective offices until the next regular election for like officers, and until their successors are elected and qualified. They shall qualify and execute such bond as is required by existing laws from like officers.

§ 5. The presiding judge of the county court and justices of the peace of said county, a majority of said justices concurring, shall be, and they are hereby, authorized and empowered to select suitable lots of ground, within the seat of justice of said county, upon which to erect necessary public buildings, and purchase, and make provision for the payment of the same by levying a poll tax on each tithable person in said county, from year to year, until the same is paid; or they may receive said lots by donation; and when so purchased or donated, the vendor or donor shall make conveyance by deed to the county court of said county for said lots of ground, and the title thereof shall vest in the county court for the use of said county.

§ 6. The county court of said county shall be held on the third Mondays in June, September, December, and March, and continue three juridical days, if the business of said court shall so require.

§ 7. It shall be the duty of the county court of said county to provide suitable rooms in which to hold the circuit and county courts until a court-house shall be erected for said county.

§ 8. That William Craft be, and is hereby, appointed a commissioner, with such assistance as he may deem necessary to employ, to run and plainly mark the boundary line of Magoffin county, as laid down in the first section of this act, and survey and lay down the plan of the county seat of said county. He shall make out two written certificates, one of which he shall transmit to the Secretary of State, and the other he shall deliver to the county court clerk of said county, who shall record the same in his office.

§ 9. It shall be the duty of the county court of said county to allow each of the commissioners appointed in

this act, a reasonable compensation for their services, and make provision for the payment of the same out of the county levy.

§ 10. The assessors of tax of the counties of Morgan, Johnson, and Floyd, for the year 1860, shall proceed as though this act had not passed, except they shall make out separate books of that portion of their respective counties that has been stricken off and included within the county of Magoffin, and return the same to the county court of Magoffin county.

Assessors of tax of Morgan, Johnson, and Floyd to proceed, as if this act had not passed, except to keep separate lists of parts stricken off.

§ 11. The county of Magoffin shall have the use of the jail of Morgan county until a jail be built for said county of Magoffin; and the jailer of Morgan shall receive all persons committed from the county of Magoffin, under the same rules and regulations as if committed from Morgan county.

Magoffin to have the use of the Morgan county jail.

§ 12. The Secretary of State is hereby directed to furnish the county of Magoffin with all necessary books that are required by law to be furnished the county officers and clerks' offices in this Commonwealth.

Public books to be furnished to officers.

§ 13. The counties of Morgan, Johnson, and Floyd shall have jurisdiction in all things until this act takes effect, as though the same had not passed.

Jurisdiction of Floyd, Morgan, and Johnson—till this act takes effect.

§ 14. This act to take effect from and after its passage.

Approved February 22, 1860.

CHAPTER 448.

AN ACT to change the time of holding the Quarterly Courts of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Nelson county quarterly courts shall be held on the first Monday in the months of March, June, September, and December, in each year, instead of the third Monday, as now prescribed by law.

§ 2. This act to take effect on the first day of May next.

Approved February 22, 1860.

CHAPTER 450.

AN ACT to amend Chapter 3, Article 1, Section 825, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the cases where it is made lawful by chapter 3, article 1, section 825, of the Civil Code of Practice, for the clerk of the county court to issue summons in an action

Stanton's Civil Code Practice, p. 385.

1860.

Judge of Quarterly Courts may appoint a deputy clerk to issue process, &c.

in the quarterly court, and also subpoenas for witnesses, it shall and may be lawful for the judge of the county court to appoint a deputy to issue the same, and to perform all other duties enjoined upon said judge as clerk of the quarterly court, in the same manner, and under the same circumstances, and for the same fees, as the judge. Said deputy shall possess the same qualifications, and take the same oaths, before he enters upon the duties of his office, as is required by law of a deputy clerk of a court.

Harrison co. excepted.

§ 2. The county of Harrison shall be exempted from the provisions of this act.

§ 3. This act shall take effect from and after its passage.

Approved February 22, 1860.

CHAPTER 454.

AN ACT to amend an act, entitled "An act to establish the People's Bank."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st Sess. Acts, 1855-6, p. 15.

Promissory notes discounted; placed on the footing of bills of exchange.

§ 1. That the charter of "The People's Bank of Kentucky" be, and the same is hereby, amended as follows, to-wit: That the promissory notes payable to any person, persons, or corporation, and negotiable and payable at the People's Bank of Kentucky, or any bank, or branch of a bank, incorporated by the laws of Kentucky, and indorsed to and discounted by said People's Bank, are placed on the footing of bills of exchange, so that the like remedy may be had, jointly or severally, against any or all the parties thereto, and with like effect except as to damages; but this provision shall not be construed to allow exchange to be charged on such notes.

§ 2. That section 17 of said charter be, and is hereby, repealed.

Former restrictions, except as to "kites," repealed, and instead thereof, bank not to invest in bills of exchange more than double amt notes and other six per cent. investments.

§ 3. That any and all parts and provisions of said charter controlling, restricting, or regulating said bank on the subject of bills of exchange, and the discounting and dealing in same by said bank, are hereby repealed, except the provision prohibiting dealing in "kites;" and instead thereof, it is enacted that said bank shall not invest in bills of exchange more than double the amount of notes discounted and suspended debt, and other investments of said bank, having six per centum interest, excluding from the computation of bills of exchange the remittances which the bank may make for collection where the funds may accumulate: *Provided*, That nothing herein contained shall authorize said bank to charge a greater rate of discount or interest on bills of exchange than allowed by the act to which this is an amendment.

§ 4. That the president and directors of said bank may establish a branch in such city or town as they, in their discretion, think proper.

1860.

Authorized
to establish a
branch.

§ 5. That all acts and parts of acts inconsistent herewith are repealed; and this act shall take effect and be in force when its provisions shall be accepted by a majority of the stock represented at any meeting of the stockholders held under the original charter, or called by the president and directors of said bank for the purpose of voting on this amendment; and they are hereby empowered to call such meeting.

Approved February 22, 1860.

CHAPTER 491.

AN ACT applying the general mechanics' lien law to Lewis and other counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act providing a general mechanics' lien law for certain cities and counties," approved February 17th, 1858, be so amended as to apply the provision of said act to Lewis, Warren, Simpson, Henry, Larue, McCracken, Livingston, Lyon, Caldwell, Ballard, and Garrard counties.

Approved February 22, 1860.

CHAPTER 511.

AN ACT to amend section 3, article 3, chapter 91, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3d, of article 3d, of chapter 91st, title "Sheriffs, Jailers, and Coroners," of the Revised Statutes, be, and the same is hereby, amended so as to authorize the coroner to hold an inquest of six good and lawful householders of the county, in cases mentioned in that section, instead of twelve, as therein provided.

2 Stanton's
Rev. Stat., p.
240-50.

Six to constitute a coroner's jury.

§ 2. The provisions of the first section of this act shall apply to justices of the peace who may hold inquests, and they shall have the same fees allowed to coroners for similar services.

Justice of the peace.

§ 3. This act shall take effect from and after its passage.

Approved February 23, 1860.

1860.

CHAPTER 524.

AN ACT to amend the law establishing the county of Metcalfe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the commissioners appointed by the law establishing the county of Metcalfe shall, in laying off the boundary of said county, run the line from Lazarus' store with or near to the old Glasgow and Lexington road, to the Hart county line, so as to leave in Barren county the residences of Doctor B. A. Wheat, Drury Roberts, James M. Ennis, and John Ennis.

Approved February 22, 1860

CHAPTER 532.

AN ACT concerning the fees of County Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County Att'ys
to have 30 per
cent. of certain
fines.

Proviso.

That in all prosecutions for misdemeanors before any county judge, police judge, justice of the peace, or other magistrate, the county attorney shall receive thirty per cent. of all fines and forfeitures imposed or recovered in such prosecutions: *Provided*, Said county attorney is present and prosecutes the offenders, but in no other event: *And provided further*, He shall not receive his portion until the whole of such fine shall have been collected; or if the whole judgment should not be collected, he shall only receive his *pro rata* on the amount collected.

Approved February 25, 1860.

CHAPTER 535.

AN ACT to amend article 10 of the Revised Statutes, on the subject of crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustee jury
fund shall pro-
cure a copy of
laws of other
States, to be
used in criminal
or penal
prosecutions; same
declared evi-
dence.

§ 1. That the trustee of the jury fund, in each of the counties of this Commonwealth, shall procure a copy of any act of the Legislature of any of the States or Territories of this United States of America, necessary to be used in any criminal or penal prosecution in this State.

§ 2. That any copy so obtained by him, whether written or printed, if certified by the Governor, Secretary of State, notary public, judge of a court, or clerk of a court of the State from which it is sent, that the same is a law of such State, the same shall be evidence in all criminal and penal prosecutions in all the courts of this State.

1860.

§ 3. Said jury trustee shall pay the cost thereof, and be allowed credit therefor, in the settlement of his accounts.

§ 4. The courts of this Commonwealth shall give, by countenance or otherwise, time to procure said copies, and shall compel the trustee of the jury fund in each county to discharge the duties imposed on him by this act, by fine not less than twenty nor more than one hundred dollars.

§ 5. This act shall take effect from its passage.

Approved February 25, 1860.

CHAPTER 538.

AN ACT supplemental to the act establishing the county of Boyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Boyd be, and the same is, attached to the eleventh judicial district; and that the circuit courts therein (after the act takes effect establishing the county of Boyd) shall commence on the Monday succeeding the Carter circuit court, in April and October, and continue six days each term, if the business thereof require it.

Boyd county
attached to the
11th Judicial
District.
Circuit Courts.

§ 2. And the terms of the Lawrence circuit court shall commence on the Mondays succeeding the Boyd circuit court, and continue twelve juridical days each term, if the business thereof require it.

Lawrence.

§ 3. That the county of Boyd shall, at each court of claims for said county, annually levy the sum of two hundred and fifty dollars, which shall be collected and paid to the Greenup county court; which levy by the Boyd county court shall continue until there is paid by the county of Boyd a sum equal in proportion to what the debt of the county of Greenup was at the last court of claims; the portion that Boyd county is to pay shall bear the same relation to the debt that the number of tithes taken from Greenup, and included in Boyd, bears to the remaining number of tithes in the county of Greenup, in the year 1860. The amount directed to be paid annually by the county of Boyd to the Greenup county court, shall be paid to such person or persons as the county court of Greenup county may from year to year designate: *Provided*, That the act creating the county of Boyd shall be void, unless the county of Boyd accepts the provisions of this supplemental act.

County debt
of Greenup ap-
portioned with
Boyd.

Proviso.

§ 4. That it shall be the duty of the judge of the Greenup circuit court, at the spring term of said court, in the present year, upon calling the causes for trial upon his dockets, if the causes are not tried and determined, to make an order changing the venue to Boyd circuit court, in each and every

Venue in cer-
tain suits on
the Greenup
docket, to be
changed to
Boyd county.

1860.

cause which may be on the dockets of the Greenup circuit court, and not determined at the approaching spring term: *Provided*, This section shall only apply where the defendant or defendants, (or the property or thing about which the suit is prosecuted shall be within Boyd county,) shall reside within the boundary of Boyd county: *And provided further*, That the defendant or defendants shall be responsible to the clerk of the Greenup circuit court for the costs of transmitting the papers, as provided for in this section.

Approved February 25, 1860.

CHAPTER 558.

AN ACT to amend an act, entitled "An act imposing a tax upon billiard tables," approved February 9, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st Ser., Acts
1857-8, p. 34.

§ 1. That the second and third sections of an act, entitled "An act imposing a tax upon billiard tables," approved February 9, 1858, be, and is hereby, amended, so that in all cases, before the license shall take effect, the person or persons to whom a license for a billiard table or tables may be granted by the county courts of this Commonwealth, or by any incorporated city or town, shall pay to the clerk of the county court of the county in which said billiard table or tables shall be licensed to be kept, one hundred and fifty dollars on the first table, and one hundred dollars for each additional table kept by said person or persons.

Tax—\$150 on
the first table,
and \$100 on
each additional
table.

§ 2. This act shall take effect from and after its passage.

Approved February 25, 1860.

CHAPTER 559.

AN ACT to supply certain books to Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State furnish the circuit and county court clerks, and county judge, of Anderson county, whatever volumes of the Acts of the Legislature, Reports of the Decisions of the Court of Appeals, Revised Statutes, Code of Practice, and such other public books as may have been destroyed by the burning of the court-house and clerks' offices of said county, when the circuit and county court of said county shall enter up orders showing what

volumes have been so destroyed, and the clerks of said courts certify the same to the Secretary.

1860.

§ 2. This act to take effect from its passage.

Approved February 25, 1860.

CHAPTER 571.

AN ACT for the benefit of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-nine thousand five hundred and ninety dollars and twenty-five cents be, and the same is hereby, appropriated for the benefit of the penitentiary, to be expended for the following purposes:

1. For the erection of a new hemp house and workshops, for the manufacture of the same, and heating apparatus for same, - \$25,000 00
2. For repairing and re-roofing the west workshop, - 2,306 80
3. For enlarging dining-room and building new kitchen, - 680 00
4. For raising walls and re-roofing cell house, and constructing 84 additional cells, - 15,637 00
5. For the purchase of grounds for a graveyard, and inclosing the same, - 800 00
6. To supply deficiency in appropriations for work now under contract, - 1,137 31
7. For building privy now under suspended contract, - 650 00
8. For rebuilding city cistern destroyed in constructing sewer, - 125 00
9. For grading and paving yard, and constructing water tables leading to sewer, &c., - 3,254 64

§ 2. The commissioners of the penitentiary are hereby empowered to let out the work for which the appropriations in the above sections are made, to the lowest and best bidder, according to plans submitted to them, and which they are to decide upon and adopt, having due regard to economy and durability of the work, as well as the adaptation of the work to the buildings and improvement ordered hereby to be constructed and made; and said commissioners shall, in no event, exceed the amounts above appropriated, in letting out said contracts.

Commissioners to let out the work to the lowest bidder.

Appropriation not to be exceeded.

§ 3. That said commissioners are hereby authorized to issue certificates to the Auditor, in favor of the contractors, for such sums as will pay for work done as it progresses, at such times and for such sums as they may deem proper and expedient; but at no time shall they issue any such

Pay to be drawn.

1860.

certificate for work which has not been done. Upon the receipt of which certificates, the Auditor shall draw his warrants upon the treasury for sums corresponding therewith, to be paid out of any money to the credit of the treasury not otherwise appropriated.

Approved February 25, 1860.

CHAPTER 576.

AN ACT to amend the law in relation to taxing the lands of non-residents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Auditor to furnish Assessors with lists of non-residents' lands.

§ 1. That it shall be the duty of the Auditor of Public Accounts to furnish the several tax assessors of this State, on or before the 1st day of March in each year hereafter, a list of all the lands belonging to non-residents in their respective counties.

Assessors to list non-residents' lands, and return lists to Auditor.

§ 2. That it shall be the duty of the several tax assessors in this State, after they have received the list of the lands of non-residents in their respective counties from the Auditor, as prescribed in the first section of this act, to list the same for taxation at their value when so listed, and return such list to the Auditor on or before the 1st day of June in each year; and the said Auditor is hereby required to list and collect the tax on such lands, according to the valuation of the several tax assessors, in the same manner that he is now required to do, and in case the tax is not paid, to forfeit the lands, as now required by law.

Auditor to list and collect tax.

§ 3. This act to take effect from and after its passage.

Approved February 25, 1860.

CHAPTER 577.

AN ACT to amend an act to establish a Levy and County Court for Jefferson county, approved February 25, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1st Sess. Acts, 1853-4, p. 56.

County Court and City Council to have discretionary power to raise salary.

§ 1. That the tenth section of an act, entitled "An act to establish a levy and county court for Jefferson county," be so amended as to give a discretion to the general council of the city of Louisville and the county court of Jefferson county to increase the salary of the judge of said court. But said increase shall not exceed in the aggregate four hundred dollars annually, and to be paid in like proportions as the salary of said judge is now paid by the city of Louisville and county of Jefferson.

§ 2. That said increase shall not be made except by a majority of the justices of the peace in Jefferson county and the city of Louisville in session; and the judge of said court shall have no vote in making said order.

1860.
Majority of
Justices neces-
sary.

§ 3. That said section be so amended as to allow the judge of said court to practice law in the Louisville chancery court.

§ 4. This act shall take effect from its passage.

Approved February 25, 1860.

CHAPTER 578.

AN ACT to change the time of holding the Henderson county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the terms of the quarterly court of Henderson county shall be held on the first Mondays of February, May, and November, and the Tuesday after the first Monday in August, instead of the time now provided by law.

§ 2. This act to take effect from and after the first day of March, 1860.

Approved February 25, 1860.

CHAPTER 586.

AN ACT to change the time of holding the Grayson county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the first day of April, 1860, the terms of the Grayson county quarterly court shall commence on the second Mondays of March, June, September, and December, and continue at each term until the business is disposed of, instead of the times now provided by law for the holding of said court.

Approved February 25, 1860.

CHAPTER 589.

AN ACT to change the time of holding the Franklin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the spring term of the Franklin circuit court shall begin on the 3d Monday in February, and be held three weeks.

1860.

§ 2. The June term of said court is abolished.

§ 3. This act shall take effect on the 1st day of May, 1860.

Approved February 25, 1860.

CHAPTER 590.

AN ACT creating an additional term of the Hopkins Circuit Court for the trial of criminal and equity causes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the fourteenth judicial district shall hold an additional term in the county of Hopkins each year, for the trial of criminal and equity causes, commencing on the third Monday in September, and continue twelve juridical days, if the business shall require it.

§ 2. That this act shall be in force from and after its passage.

Approved February 25, 1860.

CHAPTER 601.

AN ACT for the benefit of the Assistant Secretary of State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Assistant Secretary of State is hereby allowed a fee of one dollar for every commission issued to a notary public, said fee to be paid by the appointee.

§ 2. This act shall take effect from its passage.

Approved February 25, 1860.

CHAPTER 605.

AN ACT to repeal so much of the act establishing a school for feeble-minded children as requires the advice and consent of the Senate to the appointment of commissioners therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the act establishing a school for feeble-minded children as requires that the Senate shall advise and consent to the appointment of commissioners for said school be, and the same is, repealed.

This act shall take effect from its passage.

Approved February 25, 1860.

CHAPTER 617.

1860.

AN ACT supplemental to an act establishing the county of Metcalfe, and changing the boundary of the said county lines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act establishing the county of Metcalfe be so altered and amended as to make the boundary line of said new county, which by the original act intersects the Green and Adair county line near the Pleasant Ridge meeting-house, intersect said Green and Adair county line near the point where the old Pleasant Ridge meeting-house stood.

§ 2. This act to take effect from and after its passage.

Approved February 27, 1860.

CHAPTER 620.

AN ACT to change the time of holding the Quarterly Courts in Jackson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act the quarterly court in the county of Jackson shall commence on Tuesdays after the fourth Mondays in January, April, July, and October, and continue as many juridical days as the business thereof may require.

Approved February 27, 1860.

CHAPTER 638.

AN ACT to authorize the County Court of Boyle county to levy a tax to rebuild the Court-House and Circuit and County Court Clerks' Offices in Boyle county, to sell the lot or lots whereon the same formerly stood, and buy additional or other lots.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyle county, a majority of the justices of the peace concurring therein, shall have power and authority to have a court-house and circuit and county court clerks' offices built in the town of Danville, in Boyle county, and are hereby fully empowered and authorized to make all necessary contracts in relation thereto.

§ 2. That it may be lawful for the county court of Boyle county, a majority of all the justices of the peace of said county concurring therein, to sell the lot or lots whereon the court-house and clerks' offices in said county formerly stood, and to buy another lot or lots on which to build a

County Co't of Boyle to have power to provide for the building of a Court-house & Clerks' offices.

To have power to sell the lots where Co't-house and Clerks' offices formerly stood, and to buy another lot or lots, on which

1860.

to build new
Court-house &
Clerks' offices.

Title to lots.

To levy a tax.

Issue bonds.

May sell bonds.

new court-house and circuit and county court clerks' offices; and said county court may buy additional ground adjoining the lot where said buildings formerly stood; and when said purchases are made, or said lots sold, deeds of conveyance to or from said county court, acknowledged as now required by law, shall pass the title to or from said county court. If other or additional lots should be bought, the title thereto shall vest in the county court for the use and benefit of the county of Boyle.

§ 3. That it shall and may be lawful for the county court of Boyle county, a majority of the justices of the peace in said county concurring therein, to levy a tax in said county, either a poll tax or an *ad valorem* tax, on the taxable property of said county, in such sums as may be necessary to put up and finish said buildings. And it shall and may be lawful for said county court to issue the bonds of the county of Boyle, payable in one, two, three, four, and five years, bearing interest at six per centum per annum, and payable semi-annually, for the purpose of building said court-house and clerks' offices, and buying the lots aforesaid, if deemed proper. The bonds aforesaid may be sold by said county court on such terms as to them may seem right and proper.

§ 4. This act to take effect from its passage.

Approved February 27, 1860.

CHAPTER 641.

AN ACT for the benefit of Turnpike Road Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May acquire
not exceeding
10 acres of land,
for use of gate-
keepers.

§ 1. That power and authority be, and is hereby, conferred upon the several turnpike road companies in this Commonwealth, now incorporated and which may hereafter be incorporated, to hold, by gift, purchase, or lease, any number of acres of land not exceeding ten acres, attached to their several toll-gates, which can be acquired without condemnation, for the uses of toll-gate keepers and their families.

§ 2. This act to be in force from its passage.

Approved February 27, 1860.

CHAPTER 643.

1860.

AN ACT to amend an act, entitled "An act to establish an Equity and Criminal Court in the fourth Judicial District."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved 9th of February, 1858, entitled "An act to establish an equity and criminal court in the 4th judicial district in this Commonwealth," be so amended as to authorize and empower the judge of said court to grant license to applicants to practice as counsellors and attorneys at law under the same rules, regulations, and restrictions as are now prescribed by law in relation to circuit judges of this Commonwealth.

Eq. & Crim.
Court Judges
to have power
to license At-
torneys.

§ 2. That the judge of said courts is hereby authorized to transfer any civil suit brought in his courts to the circuit courts for said district, under the same rules, regulations, and restrictions as are prescribed in the Code of Practice for the transfer of causes from the equity to the ordinary docket.

May transfer
cases to Circuit
Court docket.

§ 3. This act to take effect from its passage.

Approved February 27, 1860.

CHAPTER 645.

AN ACT to exempt Sewing Machines from distribution, and from execution, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the property of an intestate's estate now required by law to be set apart by the appraisers of the estate to the widow, they shall set apart one sewing machine, which shall vest in such widow for the use and benefit of herself and infant children of the intestate, if any, residing in the family.

Sewing ma-
chine exempt
from distribu-
tion.

§ 2. That on all liabilities created after the 1st day of February, 1860, in addition to the property now exempt by law from execution, there shall be exempt from execution, attachment, distress for rent, or fee bills, one sewing machine.

Exempt from
execution, &c.

§ 3. This act shall take effect from and after its passage.

Approved February 27, 1860.

1860.

CHAPTER 647.

AN ACT concerning Trust Funds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Misdemeanor
in office for
Judge to bor-
row money over
which his court
has control.

§ 1. That from and after the passage of this act, it shall be held and considered a misdemeanor in office for any judge of a superior or inferior court of this Commonwealth to receive, use, or borrow, either directly or indirectly, any money or trust fund, under the management or control, or subject to the judgment, decree, or order of any such court, or under the control or management of any receiver, commissioner, or officer of such court.

§ 2. This act shall be in force from and after its passage.

Approved February 27, 1860.

CHAPTER 648.

AN ACT for the benefit of the late Sheriffs of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Further time
of two years
given late sher-
iffs to collect
fees and arrear-
ages of taxes.

§ 1. That the late sheriffs of this Commonwealth, whose terms have expired since the 1st day of January, 1855, shall have the further time of two years, from and after the 1st day of January, 1860, to collect all arrearages of taxes, fee bills, and county levies due them; that said taxes, fee bills, and county levies shall retain their distrainable force for the further period hereby allowed to collect the same; and said sheriffs are hereby allowed to place said taxes, fee bills, and county levies in the hands of any sheriff, deputy sheriff, or constable of their respective counties, for collection.

To give bond.

§ 2. That before any sheriff shall have the benefit of this act, he shall enter into bond, with approved security, before the county court, conditioned to pay all damages and costs that may be incurred by reason of any illegal act or acts in the collection of said arrearages of taxes, fee bills, and county levies.

Approved February 27, 1860.

CHAPTER 649.

AN ACT concerning judicial sales in Jefferson county and Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Judicial sales
in Jefferson co.

That all sales made under execution in the county of Jefferson and city of Louisville, and all sales under decrees

of the Louisville chancery court, for the sum of two hundred dollars and above that amount, shall be advertised not less than five days, in one or more daily newspapers published in the city of Louisville, the paper to be selected by the defendant, whose assent, in writing, shall be first obtained and filed in the court rendering the judgment or decree, previous to the sale. The expense of advertising to be according to the usual rates of advertising in said city.

1860.

and Louisville to be advertised in daily paper, if def't consents in writing.

Approved February 27, 1860.

CHAPTER 691.

AN ACT concerning the officers of election at municipal elections in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The provisions of an act, entitled "An act to amend section 1, article 3, chapter 32, title 'Elections,' of the Revised Statutes," approved February 11, 1858, shall apply to the appointment of officers of election at municipal elections in the city of Louisville, so that one half of the sheriffs or doorkeepers, one half of the clerks, and one half of the judges, shall belong to each of the two great political parties; and so that the sheriff or doorkeeper, and the clerk, at any voting place, shall be of different politics from each other, and the judges at any voting place of different politics from each other.

1st Sess. Acts
1857-8, p. 89.

§ 2. When the sheriff or doorkeeper in the first precinct belongs to one party, the same officer in the second precinct shall belong to the other party, and so on alternating through all the other wards of the city.

Officers of municipal elections to be politically divided.

§ 3. This act shall be in force and take effect from and after its passage.

Approved February 28, 1860.

CHAPTER 707.

AN ACT to change the times of holding the Quarterly Courts of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts in Laurel county shall, after this act goes into effect, be held on Tuesdays after the second Mondays in the months of May, July, November, and February, and may continue each term as long as the business requires.

1860. § 2. This act shall go into effect on the first day of March, 1860.

Approved February 28, 1860.

CHAPTER 708.

AN ACT changing the time of holding the spring term of the Shelby Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the passage of this act, the spring term of the Shelby quarterly court shall begin on the fourth Monday in March.

§ 2. This act to take effect from its passage.

Approved February 28, 1860.

CHAPTER 712.

AN ACT to amend chapter 103 of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 103 of the Revised Statutes, entitled "Turnpikes and Plank Roads," shall be so amended as to authorize the formation and incorporation of companies by the county courts of the several counties, for the construction of turnpike and plank roads less than five miles in length, subject to the conditions and restrictions provided in said chapter: *Provided*, That if a road thus authorized to be constructed shall be of less length than five miles, the rates of toll to be charged thereon shall bear the same proportion to the rates prescribed in said chapter that the length of such road does to the distance of five miles.

§ 2. That companies may be incorporated for the purpose of constructing turnpike or plank roads, parts or sections of which lie within the limits of adjoining counties, putting the control of a road so made under the control, supervision, and management of one company: *Provided*, That an order of incorporation be entered, in accordance with the provisions and requirements of this chapter, by the county court of one of the counties; and shall be ratified and confirmed by an order of the county courts of the counties in which the route of the road may lie. All of which orders shall be entered on the records of each court.

Approved February 28, 1860.

2 Stanton's
Rev. St., p. 440.

Companies
may be incor-
porated to
build Turnpike
road less than
five miles.

Where road lies
in two counties.

CHAPTER 715.

1860.

AN ACT to amend chapter 86 of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2 of article 3, and section 1 of article 5, of chapter 86, of the Revised Statutes, shall not apply to article 1 of said chapter; and that article 3d, chapter 86, of the Revised Statutes, shall not apply to article 2d, chapter 86, of the same.

² Stanton's
Rev. Stat., pp.
303, 304, & 305.

Approved February 28, 1860.

CHAPTER 719.

AN ACT to change the time of holding the Quarterly Courts of McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts of the county of McLean shall hereafter be held on the fourth Mondays in February, May, August, and November of each year.

§ 2. This act to take effect from and after the 1st day of May next.

Approved February 28, 1860.

CHAPTER 721.

AN ACT to repeal section 906 of the Civil Code.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 906 of the Civil Code be, and hereby is, repealed, and the following is substituted in lieu thereof:

In the publication of the reported decisions of the court of appeals, it shall be the duty of the reporter to state the names of the counsel appearing in the case, and a reference to the authorities upon which they respectively rely.

Stanton's Civ.
Code Prac., p.
289.

Approved February 28, 1860.

CHAPTER 729.

AN ACT to change the time of holding the February term of the Trigg Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the February term of the Trigg circuit court shall hereafter commence on the third Monday in February, instead of the last Monday, as now provided by law.

1860.

§ 2. This act to take effect from and after the 1st day of April next.

Approved February 28, 1860.

CHAPTER 730.

AN ACT regulating the time of holding the Equity, Penal, and Criminal term of the Washington Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the summer term of the Washington county circuit court, for the trial of equity, penal, and criminal causes, shall begin on the first Tuesday after the first Monday in the month of August for each year, and continue for eleven juridical days.

Approved February 28, 1860.

CHAPTER 741.

AN ACT to authorize Circuit and Equity and Criminal Courts to make persons entitled to inherit as heirs-at-law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Petition may be filed.

What it must state.

Order to be made by the Court.

Proviso.

Clerks to keep record of the proceedings, & copies to be received as evidence.

Fees.

§ 1. That any person or persons, twenty-one years of age, may, by petition filed in the circuit or equity and criminal court of the county of his, her, or their residence, stating in substance that he, she, or they are desirous of adopting any infant or adult person or persons, and make him, her, or them capable of inheriting property as heirs-at-law of such petitioner or petitioners, the circuit or equity and criminal courts of said county shall have power and authority to make an order declaring any such person or persons heirs-at-law of such petitioner or petitioners, and, as such, capable of inheriting property as though such person or persons were the child or children of such petitioner or petitioners: *Provided*, That no married woman shall be entitled to the benefit of this act, unless her husband unite with her in such petition, and consent to any order necessary to be made therein.

§ 2. That it shall be the duty of the clerks of the circuit and equity and criminal courts, when such petition or petitions may be filed, to keep a true and perfect record of such proceedings and orders; and a certified copy thereof, under the seal of said courts, shall be received as evidence in all courts of law or equity in this State or elsewhere; and said clerks shall be allowed the same fees as are allowed by existing laws for similar services.

§ 3. That this act shall take effect from and after its passage.

1860.

Approved February 28, 1860

CHAPTER 746.

AN ACT allowing sheriffs and other persons pay for summoning juries from other counties than that in which the action lies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That under the existing laws, where it is necessary that a jury should be summoned from a different county than that in which the action is pending, as contemplated by section 195 of the Criminal Code of Practice, the judge of said court shall allow the sheriff or other person or persons directed by him to perform said duty, after the services are rendered, to make a reasonable allowance to said officer, person, or persons, for their services, and direct that the same be certified to the Auditor of Public Accounts by the clerk of said court.

Stanton's Crim Code Practice, p. 340.

Sheriff to be paid for summoning jury out of his co.

§ 2. That upon the presentation of the certificate to the Auditor, named and described in the preceding section of this act, the Auditor shall draw his warrant upon the Treasurer for said amount so allowed and certified, who shall pay the same out of the public treasury.

Auditor to draw warrant, and Treasurer to pay same.

§ 3. This act shall apply to and embrace all cases where similar services have been performed for two years preceding the passage of the same: *Provided*, That the provisions of this act shall not apply to any case in which compensation has been heretofore provided by special act.

§ 4. This act shall take effect from and after its passage.

Approved February 28, 1860.

CHAPTER 747.

AN ACT to correct an act, entitled "An act to amend an act, entitled an act to regulate the Circuit Courts in the Third Judicial District," approved February 18, 1860.

WHEREAS, It appears that the enrolling clerk made a mistake in the second section of the above recited act, by which the first Mondays in January and July are fixed for the sittings of the Meade circuit court, when it should have read fourth Mondays in January and July; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the aforesaid recited act stand corrected, so as to fix the sittings of the Meade circuit court on the fourth Mondays in January and July.

Meade.

1860.

§ 2. This act is not to operate in contravention of any other act of the present session, except so far as to correct the above named error.

§ 3. This act to take effect from its passage.

Approved February 28, 1860.

CHAPTER 748.

AN ACT for the benefit of the Daviess County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County Court
of Daviess may
levy a tax to
build a jail.

§ 1. That the county court of Daviess county, a majority of the justices concurring therein, shall have power at any regular term of said court to levy a tax for ten successive years, of five cents on each hundred dollars' worth of property, fifty cents on each white male over twenty-one years, and fifty cents on each slave over sixteen years, in said county; and that the means so raised shall be for the purpose of building a new jail in said county; and that any surplus may be appropriated by said court to any other public improvements of the county, as the court may deem most necessary and proper.

Sheriff to
give bond for
collection of
tax.

§ 2. That the revenue arising from the above levy shall be collected by the sheriff in the same manner as other taxes, and that he shall be required to give bond for its collection, and shall pay out none of the fund so collected without an order from the county court, and that this act take effect from its passage.

Approved February 28, 1860.

CHAPTER 749.

AN ACT to amend the law in relation to motions against defaulting Constables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly
Courts to have
concurrent ju-
risdiction with
justices in mo-
tions against
Constables and
their sureties.

§ 1. That the quarterly courts shall have jurisdiction within their several counties, concurrent with the justices' courts, of motions against constables and their securities, or any one of them, or the personal representatives of any one or more of them, jointly with the survivors, for any money collected by them on an execution, order of sale, or fee bill, or on any note or account, or other claim, put into their hands for collection, and which on demand they shall neglect or refuse to pay.

§ 2. This act shall take effect from and after its passage.

Approved February 28, 1860.

CHAPTER 759.

1860.

AN ACT conferring certain powers on the Carter County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Carter county is hereby authorized and empowered to contract with the holder or holders of the Carter county railroad bonds for the redemption thereof, at any price which may be agreed on between said county court and the holder or holders of said bonds; but before said contract shall bind the people of Carter county, the question shall be submitted to a vote of the people of said county, at the next regular election to be holden in Carter county after said contract shall be entered into, and provided a majority of all the qualified voters of said county shall vote in favor of accepting the contract price agreed on between the county court and the holders of said bonds, such contract shall be thereby ratified and confirmed; but if a majority of all the qualified voters of said county should not be in favor of ratifying such contract, then the same shall be void and of non-effect, as though the same had never been entered into.

County court of Carter county authorized to contract with holders of R. R. bonds as to redemption thereof.

Vote of the people necessary to ratify the contract.

§ 2. If, when the polls are compared, it shall appear that a majority of all the legal voters of said county have voted in favor of redeeming their bonds at the price agreed on by the county court as aforesaid, the said county court shall levy and collect an *ad valorem* tax on all the property in said county subject to taxation under the general laws of the State, sufficient to redeem said bonds and pay off the debt in the manner and in the time agreed upon by said county court and the holders of the bonds as aforesaid.

If contract ratified, tax to be levied to pay off the bonds.

§ 3. It shall and may be lawful for the county court of Carter county, a majority of all the justices of the peace for said county being present and concurring therein, to establish a sinking fund for said county, for the purpose of paying the annual interest upon the public debt of said county, and liquidating the principal of said debt.

County court may establish a sinking fund.

§ 4. The county court of said county shall appoint three commissioners of the sinking fund for said county, one of whom shall be appointed treasurer of said fund. The said commissioners shall have control of said sinking fund, and shall faithfully devote it to the purposes aforesaid. The said commissioners shall, before they enter upon the discharge of their duties, in the county court of Carter county take an oath to faithfully discharge the duties of their office. The treasurer shall, before he enters upon the duties of his office, enter into a covenant in the county court of Carter county, with good security to be approved of by said county, and to the said court, faithfully to keep, account for, and pay over to the proper person entitled thereto, the moneys belonging to said fund; and upon which any person injured

Commissioners to be appointed.

To take oath.

Treasurer to give bond.

1860.

by a breach thereof may sue and recover damages in any court having jurisdiction thereof.

Ad valorem
tax may be an-
nually levied
and paid into
the sinking
fund.

§ 5. The county court of said county shall have authority to levy and collect annually, an *ad valorem* tax upon all the property in said county subject to taxation under the general laws of this Commonwealth, for the purposes indicated in the second section of this act, which shall be paid into the sinking fund of said county for the purposes aforesaid.

Sheriff to
pay tax to treas-
urer of sinking
fund.

§ 6. The sheriff of the county of Carter shall collect the annual tax aforesaid, and pay the same over to the treasurer of the sinking fund, at the same time that he is required to collect and pay over the other revenues of said county. The said sheriff shall, in the Carter county court, at the same time that he is required to execute bond as collector of said county, execute a bond with good security, to be approved of by the said court, faithfully to collect, account for, and pay over the tax aforesaid; and for a breach of which any person injured thereby may, by appropriate action thereon in any court having jurisdiction thereof, recover damages for any such breach.

Sheriff to ex-
ecute bond.

Approved February 28, 1860.

CHAPTER 763.

AN ACT to prescribe the times of holding the Spring and Summer terms of the Franklin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the spring term of the Franklin circuit court shall commence on the third Monday in the month of February of each year, and shall continue twelve juridical days, if the business require it.

§ 2. That there shall be held for the said county of Franklin a summer term of said court, to commence on the fourth Monday in the month of June of each year, and continue twelve juridical days, if the business require it.

§ 3. That this act shall take effect from and after the 1st day of May, 1860.

Approved February 28, 1860.

CHAPTER 764.

1860.

AN ACT to amend Part 3, Title 13, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That the evidence of non-resident witnesses may also be perpetuated.

§ 2. That the provisions of part 3, title 13, of the Civil Code of Practice, shall govern the proceedings in such cases: *Provided*, That the person or persons desiring to perpetuate such evidence shall, in addition to the statements therein required, also state that the witness or witnesses whose evidence he or they desire to perpetuate is a non-resident of this State: *And provided further*, That the deposition or depositions, when completed, together with the affidavit, order, notice, and proof of service, shall be filed in the clerk's office of the circuit court of the county in which the adverse party resided at the time of taking said depositions: *And provided further*, That when the trial is not in the circuit court of the county in which the deposition or depositions are filed, a certified copy thereof and of the affidavit, order, notice, and proof of service, may be read as evidence by either party, when the witness or witnesses are still non-residents of this State; or if residents of this State, and of sound mind, where his, her, or their attendance for oral examination cannot be required.

Stanton's
Civ. Code Prac.
p. 355.

Statement to
be made in pro-
ceedings to per-
petuate testi-
mony.

Provided

§ 3. This act shall take effect from its passage.

Approved February 28, 1860.

CHAPTER 793.

AN ACT to amend the law, approved February 16, 1858, relating to the Board of Supervisors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 657 of the acts of session 1857-8, and approved February 16, 1858, be amended so as to require the board of supervisors, before they shall raise the value on any property assessed, it shall be their duty to make out a list of the names of all the persons whose property, or any part of it, in their opinion, has been assessed too low, as appears on the assessor's books, and furnish a copy of the proposed change of the list so made out to the sheriff or any constable or other person that they may depute, to serve a notice on each person or their representative, which notice shall contain its proposed change; whose name may be furnished to appear before them at their county seat, on the most convenient day to which they shall have adjourned, to show cause, if any, why the increased valuation shall not be made.

1st Sess. Acts,
1857-8, p. 65.

Supervisors
of tax to make
out list and de-
liver them to
sheriff or con-
stable, to serve
notice on each
person who is
charged with
giving in his
list too low.

1860.

Proviso.

§ 2. *Provided further*, That a reasonable length of time shall be allowed for the serving of notice; and in case any of the persons to be summoned, or their representatives, cannot be found, then the board may proceed to consider their case from the best evidence before them. The same fee shall be allowed for serving of notice that is now allowed by law in other cases, to be paid by the county, and levied for at the next court of claims.

Persons aggrieved may apply to co. c't.

§ 3. That when any person shall feel aggrieved by the valuation of his or her taxable property by an assessor or the board of supervisors, such person or persons shall have the right to apply to the county court where he or she may reside to have the list or valuation corrected; and if the court shall be satisfied that any injustice has been done, the court shall correct such valuation or listing.

§ 4. This act shall take effect from its passage.

Approved February 28, 1860.

CHAPTER 810.

AN ACT to legalize acknowledgments of deeds, &c., taken before T. C. Hamilton, Jos. Doniphan, and V. Weldon, Mayors of the city of Augusta, Bracken county.

WHEREAS, It is represented to this General Assembly that a large number of deeds, mortgages, and other written instruments, have heretofore been acknowledged by the parties thereto, before T. C. Hamilton, Joseph Doniphan, and Vachel Weldon, mayors of the city of Augusta, since the passage of the charter of said city, which deeds and other writings have been admitted to record in the proper office in Bracken county and elsewhere; and whereas, doubts have existed, and do now exist, as to the power of said mayors to take said acknowledgments; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acknowledgments of deeds, &c., heretofore made before mayors of Augusta legalized.

§ 1. That all acknowledgments of deeds, mortgages, and other writings heretofore taken before T. C. Hamilton, Joseph Doniphan, and Vachel Weldon, mayors of the city of Augusta, be, and the same are hereby, legalized, and such acknowledgments shall have the same effect, in all respects whatever, as if they had been made before the clerk of the county court of Bracken county; and certified copies of such instruments shall be entitled to the same faith and credit, as evidence in all courts and other places, as like copies of writings acknowledged before said clerk: *Provided*, That nothing in this act shall be so construed as to legalize any acknowledgments which would not have been valid if made before the clerk of said county court.

Proviso.

§ 2. This act shall take effect from and after its passage.

Approved February 28, 1860.

CHAPTER 816.

1860.

AN ACT relative to the dividing line between the States of Kentucky and Tennessee, and allowing compensation to the persons engaged in running the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line recently run and made between the States of Kentucky and Tennessee, by commissioners respectively appointed by said States, be, and the same is, approved, adopted, and recognized as the true boundary line between said States. The Kentucky commissioners, Austin P. Cox and Charles M. Briggs, acted under a law approved February 17, 1858, and entitled "An act for running the State line between Kentucky and Tennessee."

Boundary line between Kentucky and Tennessee, recently run by com'rs approved and adopted.

§ 2. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer in favor of the following persons, for the several sums hereinafter named, i. e.:

Appropriation to pay expenses

1. In favor of Austin P. Cox, as the balance due him for acting as commissioner, \$2,000.

2. In favor of Charles M. Briggs, amount due him for acting as commissioner on the State boundary line survey, \$1,900.

3. In favor of J. Pillsbury for \$980, as balance due him for services as chief engineer on said line.

4. In favor of G. Trafton for \$719, as balance due him for services as chief engineer on said line.

5. In favor of A. Hensley for \$870, due him for services as assistant engineer or surveyor on said line.

6. In favor of W. E. Cox for \$596, for services on said line as flagman and chainman.

7. In favor of M. P. Brown for \$331 75, balance due him for services as flagman and chainman on said line.

8. In favor of H. C. Hines for \$296, for services on said line as flagman and chainman.

9. In favor of H. W. Dulaney for \$604 50, balance due him for services as flagman and chainman on said line.

10. In favor of C. G. Graham for \$583 45, balance due him for services as flagman and chainman on said line.

11. In favor of Charles M. Briggs for \$190 25, balance due J. P. Wooten, deceased, for services as assistant commissary to the corps on said line.

12. In favor of Charles M. Briggs, for Thomas Manning, balance due said Manning as axman on said line, the sum of \$116 50.

13. In favor of Charles M. Briggs the sum of \$650, for the services of Wilson, Charles; and Henry, slaves belonging to W. V. Loving, said amount for said Loving.

1860.

14. In favor of Charles M. Briggs for \$79 50, balance due Tom Tolbert, said amount for said Tolbert, for services as axman on said line.

15. In favor of Charles M. Briggs for \$164 35, due B. C. Grider, for the services of his slave Moses on said line.

16. In favor of Charles M. Briggs for \$40, amount due G. Willis for services on said line.

17. In favor of Charles M. Briggs for \$136 25, balance due him for the services of his slave Wat on said line.

18. In favor of Charles M. Briggs for \$290 25, balance due W. L. Underwood (this amount for said Underwood) for the services of his slave Tom on said line.

19. In favor of Charles M. Briggs for \$86 75, balance due S. L. Jones (this amount for said Jones) for the services of his slave Sam on said line.

20. In favor of S. W. Stanley for \$845, balance due him for stone furnished, put up on said line.

21. In favor of Charles M. Briggs for \$1,817 79, the amount advanced by the commissioners for said line; and also the sum of \$68, interest on same.

22. In favor of J. Pillsbury for \$300, to be used in returning and repairing the instruments used in running the line.

§ 3. That if the appropriation herein made of \$300, for the repair and return of the instruments, be more than is necessary for that purpose, the balance shall be returned to the Auditor. And J. Pillsbury is hereby directed to file vouchers, together with his affidavit, with the Auditor how he appropriates said \$300.

§ 4. That fifty copies of the report of the commissioners who run the boundary line herein referred to, together with a lithographic map of the survey, be printed; and that two copies of the same be deposited, at the same time and by the same person or persons who may distribute the public books of this Commonwealth, in the clerk's office of each county in this State on the State line of Kentucky and Tennessee.

§ 5. That to willfully deface or destroy the stone or stones, or any of the same, set up by the commissioners to designate the true boundary line between the States of Kentucky and Tennessee, shall be deemed a felony, and punishable by confinement in the penitentiary for a term of not less than one, nor more than five years.

§ 6. That the Auditor is hereby directed to retain \$300 of the appropriation herein made to the engineer, G. Traf-ton, until the map authorized and required to be deposited in the office of the Secretary of State by the act, entitled "An act for running the State line between Kentucky and Tennessee," shall be deposited there; and the same shall be accepted by the Governor as having been executed in the manner required by said act.

50 copies of report of commissioners, with a lithographic map, to be printed, and 2 copies deposited in each co'ty court clerk's office along the line.

Willfully defacing stones set up to indicate the line, deemed felony.

\$300 to be retained till map is made and deposited with Sec'y of State.

§ 7. That the Auditor of Public Accounts be required to superintend the printing and lithographing mentioned in the fourth section of this act, and make the contract therefor on the best terms for the State.

§ 8. This act to take effect from its passage.

Approved February 28, 1860.

1860.

Auditor to superintend the printing and lithographing.

CHAPTER 821.

AN ACT to apportion representation in the Senate and House of Representatives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That representation for the House of Representatives shall be apportioned among the several counties of this Commonwealth as follows, viz:

To the first district, twelve Representatives, as follows: To the counties of Fulton and Hickman one, Graves one, Calloway one, Marshall one, Ballard one, McCracken one, Crittenden one, Trigg one, Union one, Hopkins one, Caldwell one, Livingston and Lyen one.

To the second district, eleven Representatives, as follows: Christian one, Muhlenburg one, Henderson one, Daviess one, Hancock one, Ohio one, Breckinridge one, Meade one, Grayson one, McLean one, and Butler and Edmonson one.

To the third district, nine Representatives, as follows: To the county of Todd one, Logan one, Simpson one, Warren one, Allen one, Monroe one, Barren one, Hart one, and Metcalfe one.

To the fourth district, nine Representatives, as follows: To the county of Adair one, Green one, Taylor one, Wayne one, Pulaski one, Cumberland one, Clinton and Russell one, Lincoln one, and Boyle and Casey one.

To the fifth district, nine Representatives, as follows: To the county of Hardin one, Larue one, Bullitt one, Spencer one, Nelson one, Washington one, Marion one, Mercer one, and Anderson one.

To the sixth district, ten Representatives, as follows: To the county of Garrard one, Madison one, Estill and Jackson one, Whitley one, Laurel and Rockcastle one, Knox one, Clay and Owsley one, Floyd and Johnson one, Perry, Letcher, and Harlan one, and Pike one.

To the seventh district, ten Representatives, as follows: To the first ward of Louisville one, the second, third, and fourth wards one, the fifth and sixth wards one, the seventh and eighth wards one, the county of Jefferson one, Shelby one, Henry one, Trimble one, Carroll one, and Oldham one.

To the eighth district, seven Representatives, as follows: To the county of Bourbon one, Fayette one, Scott one,

Representation for the House of Reps. apportioned among the several counties.

1st district.

2d district.

3d district.

4th district.

5th district.

6th district.

7th district.

8th district.

1860. Owen one, Franklin one, Woodford one, and Jessamine one.

To the ninth district, ten Representatives, as follows:
 9th district. To the county of Clarke one, Bath one, Montgomery and Powell one, Fleming one, Lawrence and Boyd one, Green-up one, Morgan one, Magoffin and Breathitt one, Carter and Rowan one, and Lewis one.

To the tenth district, thirteen Representatives, as follows:
 10th district. To the county of Mason two, Bracken one, Nicholas one, Harrison one, Pendleton one, Campbell two, Grant one, Kenton two, Boone one, and Gallatin one.

Representation in the Senate apportioned. § 2. That for the purpose of apportioning representation in the Senate, the State is hereby laid off into thirty-eight Senatorial districts, as follows, viz:

The counties of Hickman, Fulton, and Graves shall compose the first district.

1st Sen. Dis. The counties of McCracken, Ballard, and Marshall, the second district.

2d Sen. dis. The counties of Trigg, Calloway, and Lyon, the third district.

3d Sen. dis. The counties of Crittenden, Livingston, and Caldwell, the fourth district.

4th Sen. dis. The counties of Union and Hopkins, the fifth district.

5th Sen. dis. The counties of Christian and Todd, the sixth district.

6th Sen. dis. The counties of Daviess, Henderson, and McLean, the seventh district.

7th Sen. dis. The counties of Ohio, Butler, and Muhlenburg, the eighth district.

8th Sen. dis. The counties of Breckinridge, Grayson, Hancock, and Edmonson, the ninth district.

9th Sen. dis. The counties of Meade, Hardin, and Bullitt, the tenth district.

10th Sen. dis. The counties of Barren, Hart, and Metcalfe, the eleventh district.

11th Sen. dis. The counties of Logan and Warren, the twelfth district.

12th Sen. dis. The counties of Allen, Simpson, and Monroe, the thirteenth district.

13th Sen. dis. The counties of Nelson, Larue, and Spencer, the fourteenth district.

14th Sen. dis. The counties of Mercer, Washington, and Jessamine, the fifteenth district.

15th Sen. dis. The counties of Adair, Green, Cumberland, Russell, and Clinton, the sixteenth district.

16th Sen. dis. The counties of Pulaski and Wayne, the seventeenth district.

17th Sen. dis. The counties of Garrard, Lincoln, and Boyle, the eighteenth district.

18th Sen. dis. The counties of Marion, Taylor, and Casey, the nineteenth district.

19th Sen. dis. The counties of Anderson, Woodford, and Franklin, the twentieth district.

1860.

The counties of Shelby, Henry, and Oldham, the twenty-first district.

21st Sen. dis.

The counties of Owen, Carroll, and Trimble, the twenty-second district.

22d Sen. dis.

The counties of Grant, Gallatin, and Boone, the twenty-third district.

23d Sen. dis.

The county of Kenton, the twenty-fourth district.

24th Sen. dis.

The counties of Campbell and Pendleton, the twenty-fifth district.

25th Sen. dis.

The counties of Harrison and Bracken, the twenty-sixth district.

26th Sen. dis.

The counties of Scott and Fayette, the twenty-seventh district.

27th Sen. dis.

The counties of Bourbon, Nicholas, and Bath, the twenty-eighth district.

28th Sen. dis.

The counties of Clarke and Madison, the twenty-ninth district.

29th Sen. dis.

The counties of Rowan, Fleming, and Morgan, the thirtieth district.

30th Sen. dis.

The counties of Mason and Lewis, the thirty-first district.

31st Sen. dis.

The counties of Boyd, Greenup, Carter, and Lawrence, the thirty-second district.

32d Sen. dis.

The counties of Floyd, Johnson, Magoffin, and Pike, the thirty-third district.

33d Sen. dis.

The counties of Perry, Breathitt, Letcher, Harlan, and Clay, the thirty-fourth district.

34th Sen. dis.

The counties of Estill, Owsley, Jackson, Montgomery, and Powell, the thirty-fifth district.

35th Sen. dis.

The counties of Laurel, Whitley, Rockcastle, and Knox, the thirty-sixth district.

36th Sen. dis.

The county of Jefferson, and the first and second wards of the city of Louisville, the thirty-seventh district.

37th Sen. dis.

The third, fourth, fifth, sixth, seventh, and eighth wards of the city of Louisville, the thirty-eighth district.

38th Sen. dis.

§ 3. That in order to ascertain the state of the polls, when two or more counties compose a Senatorial district, or two or more counties are joined to elect a Representative, the sheriffs of such counties shall meet at the courthouse of the county first named, to compare the polls, on the first Monday next after the election, and having ascertained, by faithful comparison and addition, the number of their respective polls, shall make return in the manner prescribed by law: *Provided*, That when a writ of election shall be issued by the Governor, or either branch of the Legislature, an earlier day may be ordered in said writ for comparing the polls, if deemed expedient.

Rolls to be compared.

Proviso.

§ 4. That if any new county should be established before the next enumeration and apportionment of representation, it shall be considered as part or parts of the county

New counties.

1860. or counties from which it was taken, for the purpose of representation.

Approved February 29, 1860.

CHAPTER 822.

AN ACT to establish the county of Webster.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That from and after the 1st day of July, 1860, all that portion of the counties of Hopkins, Henderson, and Union, within the following boundary, to-wit: Beginning at the mouth of Pittsman's creek, on Green river; thence a direct line to a bridge on the East Fork of Deer creek, near Slaughtersville, including it; thence to Richard Bailey's old place, on the Madison and Henderson road; thence directly to the mouth of Clear creek, on Tradewater; thence with said river, within one mile, on a straight line, above the Half Moon Lick; thence to the Edmund Waggener school-house; thence to Elijah Duncan's; thence to where Newman's old mill once stood; thence to the White Lick, on Highland creek; thence to Rideout's Landing, on Green river; thence, in a straight line with said river, to the beginning, shall be erected into a separate county, which shall be called and known by the county of Webster.

New county established; & named Webster.

Commissioners to locate county seat, which is to be named Dixon.

§ 2. That R. A. Walker, of the county of Crittenden, William B. Acree, of the county of Caldwell, and Albert D. Cosby, of the county of McLean, or any two of whom, shall locate the county seat of said county, at any place they may select, within two miles of the center of said territory; and the county court of said county shall levy and collect a tax on said county to pay said commissioners, not less than four dollars per day each, during the time they may be engaged; and when the same shall be located, shall be called and known by the name of Dixon.

Com'rs appointed to lay off county into justices' & election districts.

§ 3. That N. N. Johnson, Thomas K. Newman, and R. K. Thornberry be, and they are hereby, appointed to divide said county into six election districts, and locate the place in each district where said election shall be held, which shall be done by the third Monday in July next; which shall be reported to the county court of said county when organized, and entered on the record of said court.

First election of officers.

§ 4. That an election shall be held at each of the voting places in each precinct on the first Monday in August next, for the election of two magistrates and one constable for each district; and also at said election the legal voters of said county shall elect a county judge, county court clerk, a

1860.

circuit court clerk, a sheriff, coroner, jailer, an assessor, and county attorney, who shall hold their offices for the period now prescribed by law.

§ 5. That said commissioners shall appoint two judges, a clerk and sheriff, to conduct said election at each voting precinct, which shall be done in every respect according to the existing laws of this Commonwealth; and that it shall be the duty of the several sheriffs conducting said election to meet at the house of Thomas K. Newman, on the succeeding Monday, and carefully add up and compare the polls, and certify the result of the election to the Secretary of State, naming in said certificate who was elected to each office; and the Governor shall thereupon issue commissions to those entitled to the same under the constitution of this Commonwealth.

Officers of election.

Polls to be compared.

§ 6. That the judges of the county court and a majority of the justices of the peace, after their qualification, shall meet at the county seat on the second Monday in September, 1860, and receive by purchase or donation a sufficient quantity of land upon which to erect the public buildings for said county, and may contract for the erection of the same, to be paid for by any future levy made by said court.

County court to purchase public grounds and have erected public buildings.

§ 7. That the county court of said county shall have authority to levy a tax on the persons and property of said county, sufficient to erect the public buildings and pay the county charges, so that the same shall not exceed ten cents on each one hundred dollars' worth of property assessed for revenue, and not to exceed three dollars on each tithe listed for county purposes, each year, until said buildings shall be completed.

May levy a tax

§ 8. That the county court of said county shall, on the first Monday in October or November, hold a levy court for the purpose of assessing said tax, which shall be composed of the county judge and a majority of the justices.

§ 9. That thereafter the county court shall hold its sessions on the third Mondays in each month, and the quarterly court shall be holden on the fourth Mondays in September, December, March, and June in each year, and each court shall adjourn from day to day, until the business therein shall be disposed of.

When county and quarterly courts to be held.

§ 10. That the sheriffs of Hopkins, Henderson, and Union shall collect all county levy and revenue tax for the year 1860, from the persons chargeable with tax, in the same manner as if this act had not passed.

How taxes for 1860 to be paid.

§ 11. That the citizens of said county shall vote for Governor and other State officers at the same time and place as now directed by law, until the next apportionment of representation; and the polls of such election shall be compared at the same time and place, and certified in the same manner, as if this act had not passed.

1860.

To be part of
the Senatorial,
and part of the
14th Judicial
District.

§ 12. That said county shall be made part of the — senatorial district, and shall be included in the 14th judicial district; and the circuit court shall be holden on the first Mondays in January and first in July, and continue six juridical days, if the business shall require it.

§ 13. That said county shall have the use of the jails of Hopkins, Henderson, or Union, until a jail shall have been erected in said county.

Approved February 29, 1860.

CHAPTER 823.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the persons named, and entitled to be paid out of the public treasury upon the warrant of the Auditor of Public Accounts.

§ 2. To the Speakers of the Senate and House of Representatives, eight dollars per day each, during the session of this Legislature.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars per day each, during the present session, and the same sum each, per day, for fifteen days after the close of the session, for their services in preparing the Acts for publication, and arranging the papers.

§ 4. To the Assistant Clerks of the Senate and House of Representatives, eight dollars per day each, during the session.

§ 5. That the Auditor is authorized to draw his warrant on the treasury in favor of the principal Clerks of the Senate and House of Representatives, for the amount of extra clerk hire, to be estimated and certified by them.

§ 6. To the Sergeants-at-Arms of the Senate and House of Representatives, six dollars per day each, during the session.

§ 7. To the Doorkeepers of the Senate and House of Representatives, six dollars per day each, during the session.

§ 8. To A. P. Randall, late Doorkeeper of the House, fifteen dollars for mileage and services of his brother, — Randall, at the commencement of the present session.

§ 9. To W. N. Robb, for the services of each of two negro men, one dollar per day during the session, in waiting on the House of Representatives, and seventy dollars and fifty-five cents for sundries.

§ 10. To M. B. Chinn, for the services of his negro man in waiting upon the Senate, one dollar per day during the session, payable to W. C. Sneed or M. B. Chinn.

1860.

§ 11. To A. G. Hodges & Co., for the Daily Commonwealth during the session, four hundred and sixty-five dollars.

§ 12. To S. I. M. Major & Co., for the Daily Kentucky Yeoman, four hundred and sixty-five dollars.

§ 13. To Harney, Hughes & Co., for badges and printing same, as per bill rendered, twenty-seven dollars.

§ 14. To the Ministers of the different religious denominations in Frankfort, one hundred and fifty dollars, to be distributed equally amongst them by the Sergeant-at-Arms of the Senate.

§ 15. To the Pages of the Senate and House of Representatives, one dollar and a half each, per day, during the session, to be drawn and disbursed by the Sergeants-at-Arms of the two Houses.

§ 16. To George A. Lewis, as additional Page in the House of Representatives, one dollar and fifty cents per day, commencing on the eighth day of the session.

§ 17. To John L. Moore & Son, for bill of sundries rendered, one hundred and thirty-nine dollars and seventy-two cents.

§ 18. To Kentucky Penitentiary, for bill of sundries rendered, seventy-two dollars.

§ 19. To the Baptist Church, for the use of bell and ringing same during the present session, twenty dollars.

§ 20. To J. M. Mills, for bill of sundries rendered, eight dollars, (\$8.00).

§ 21. To W. P. Loomis, for one clock for House of Representatives, fifty dollars.

§ 22. To Greenup & Alley, for bill of sundries rendered, twenty dollars and fifty-five cents.

§ 23. To John T. Roberts, agent, for bill of sundries rendered, twenty-four dollars and sixty cents.

§ 24. To Samuel C. Bull, for bill of sundries, two hundred and sixty-four dollars.

§ 25. To A. Conery, for repairing and cleaning clock for Senate, three dollars.

§ 26. To A. G. Cammack, for table for Senate, four dollars and fifty cents.

§ 27. To W. N. Robb, for expenses to Lexington for Sinclair Roberts, by order of the House of Representatives, seventeen dollars and seventy cents; and the further sum of four dollars, for the bill of sundries paid Carey & Talbott by said Robb, and for telegraphic dispatch to Lexington, one dollar.

§ 28. To James R. Barrick, A. D. Cosby, and Benjamin J. Shaver, each fifty dollars, expense incurred by them in visiting and examining the locks and dams on Kentucky, Green, and Barren rivers, by order of the General Assembly.

§ 29. To Daniel P. White, John W. White, John O. Harrison, Ben. M. Hitt, John Ellis, Oscar H. Burbridge, John

1860.

M. Johnson, and Thornton F. Marshall, each thirty dollars, expense incurred in visiting the banks of Louisville, Lexington, and Frankfort; and to John M. Johnson and Thornton F. Marshall the further sum of four dollars and fifty cents each, the amount paid by them for printing.

§ 30. To R. E. Glenn, G. Terry, W. B. Acree, Young A. Linn, and A. D. Cosby, each forty dollars, expense incurred in visiting the Western Lunatic Asylum.

§ 31. To Harrison G. Burns and John W. Cook, each twenty-one dollars, expense incurred in visiting the Blind Asylum, and to M. J. Cook twenty-one dollars for visiting Deaf and Dumb Asylum.

§ 32. To James H. Garrard eighty-two dollars and ninety cents, the amount of costs paid by him in defending the suit brought against him by Elijah Nuttall.

§ 33. For the support of the Eastern Lunatic Asylum for two years from the 31st day of December, 1859, including salaries of officers and expenses of officers and attendants, for the support of patients and transportation of same to the Asylum, twenty-five thousand two hundred and fifty dollars annually, or so much thereof as may be necessary, payable semi-annually in advance to the treasurer of the Asylum, on the order of the board of managers.

§ 34. For the support of the Western Lunatic Asylum, for the year 1860, including salaries of officers and expenses of officers and attendants, for support of patients and transportation of same, and to cover deficit in former appropriation, thirty-five thousand dollars; and for the year 1861, thirty-five thousand dollars, or so much of said sums as may be actually required, payable semi-annually in advance to the treasurer of the asylum, on the order of the board of managers.

§ 35. For the support of the Cumberland Hospital, at Smithland, for two years from the 31st day of December, 1859, two thousand dollars per annum, payable semi-annually in advance, and the further sum of twenty-one hundred and fifty dollars and seventeen cents, to meet the present liabilities of the institution, incurred by the withdrawal of the support of the United States.

§ 36. To William L. Sutton, for his own services and for clerk hire in making up the Registration Report for the year 1857, reported in 1858, seven hundred dollars; and for like services in making up the Report for the year 1858, reported in 1859, the further sum of seven hundred dollars.

§ 37. To J. W. Prewitt, for cleaning up, preparing, and furnishing the Senate chamber, at the commencement of the present session, fifteen dollars.

§ 38. To Richard Pindell, Gen. Lucius Desha, and R. A. Buckner, who are hereby appointed commissioners, in behalf of the State, to make the purchase of the grounds

1860.

adjacent to the Eastern Lunatic Asylum, heretofore rented for the use and cultivated by inmates of the asylum, a sum not exceeding twenty-eight thousand dollars, payable to the treasurer of the asylum, in the order of the board of managers.

§ 39. To A. P. Grover and J. M. Johnson, each, for expenses in visiting the Lunatic Asylum, by order of the Legislature, seven dollars and fifty cents.

§ 40. To D. C. Barrett, for making an index to the forthcoming Journals of the Senate and House of Representatives, two hundred dollars.

§ 41. To Geo. W. Gwin, for administering the oaths to members, ten dollars.

§ 42. To Mrs. Jane Shannon, for making and washing towels, and for making mail-bag and washing, two dollars and fifty cents.

§ 43. That the sum of five hundred dollars be appropriated to the Auditor of Public Accounts, for the purpose of paying Thos. S. Page for bringing up the business of the Auditor's office to the 1st day of January, 1860.

§ 44. To F. C. Smith, two dollars and thirty cents, for repairing stoves and pipes in the Capitol.

§ 45. To the assistant clerk of the Senate, for extra services, eighty dollars.

§ 46. To J. Russell Hawkins, for organizing the Senate the present session, twenty-five dollars.

§ 47. To John J. Roberts, clerk of the Senate enrolling committee, three dollars per day for fifteen days, and three dollars per day for two days same services in House of Representatives.

§ 48. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer in favor of any person or persons who present accounts against the Senate for enrolling and engrossing bills: *Provided*, That such accounts are certified by the assistant clerk of the Senate as correct.

§ 49. To A. W. Vallandigham, for the services of his negro man in attending to the "back capitol," the sum of sixty dollars.

§ 50. To Wm. Brown, eight dollars and thirty-five cents, his expenses in visiting the Eastern Lunatic Asylum.

§ 51. To Isaac Wingate, jr., as clerk of the enrolling committee of the House of Representatives, three dollars per day for thirteen days, making thirty-nine dollars.

Approved March 1, 1860.

1860.

CHAPTER 825.

AN ACT to amend the act establishing the county of Metcalfe.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Examiners to
be appointed.

§ 1. That it shall be the duty of the judge of the criminal and equity court of the 4th judicial district to appoint three fit and proper persons to be examiners for said county, who shall enter upon the discharge of their duties upon taking the oaths required by law. The appointment of said examiners shall be entered upon the records of said criminal and equity court.

Cl'k cir. c't
to be cl'k crim.
and eq. court.Boundary
changed.

§ 2. That the clerk of the circuit court in and for said county, shall be clerk of said equity and criminal court.

§ 3. That so much of the boundary line between Adair and Metcalfe counties as lies between Pendleton's Mill and the Cumberland county line be, and the same is hereby, established as follows, viz: Commencing at Hiram Pendleton's mill, (leaving said Pendleton in Adair county,) thence a straight line to Herbert Kennaird's house, and from thence a straight line from Herbert Kennaird's to George W. Breeding's saw-mill, on the Burksville and Columbia road, including James Estes, Thomas Estes, William Penick, J. L. Yates, Jane Estes, the old farm of A. York, deceased, J. Hamilton, P. T. Ellison, Sebastian Bell, Z. D. Wheat's old farm, Herbert Kennaird, Harrison Kennaird, J. B. Dixon, Eliza Kennaird, William Hamilton, sr., Ed. Hamilton, and S. W. Marrs, all in the new county of Metcalfe; thence from said George W. Breeding's saw-mill, with the Burksville and Columbia road, to the Cumberland county line; thence with the same on to and with the line of the new county as mentioned in the act creating the same; and all that part of said act as conflicts with this act is repealed.

§ 4. This act to take effect from and after its passage.

Approved February 23, 1860.

CHAPTER 830.

AN ACT authorizing the Court of Claims of Trimble county to increase the poll tax thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Trimble county shall have power at its discretion, a majority of the members thereof concurring, to levy a tax of three dollars, or less, upon each tithe in said county, for the purpose of raising money to extinguish the principal and interest of the public debt of said county.

§ 2. This act shall take effect from and after its passage.

Approved March 1, 1860.

CHAPTER 833.

1860.

AN ACT authorizing the County Court of Shelby to levy an increased poll tax and county levy in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county court of Shelby county, a majority of all the justices of said county being present and concurring therein, are hereby authorized and empowered to raise a sum of money, not exceeding six thousand dollars, by levying an additional poll tax of fifty cents on each tithe of said county, to repair or rebuild the jail and jailer's house in said county; which tax shall be collected and accounted for to said county court by the sheriff of said county, in all respects as the county levy is now collected and accounted for.

Approved March 1, 1860.

CHAPTER 851.

AN ACT in relation to the school for feeble-minded children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the twenty thousand dollars heretofore appropriated during the present session to establish a school for feeble-minded children, be paid out of the treasury whenever the commissioners shall deem it necessary to appropriate the same for the purchase of land, and for building.

Approved March 1, 1860.

CHAPTER 872.

AN ACT changing the time of holding the Lincoln Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the judge of the Lincoln county court shall hold the quarterly terms of said court on the first Monday in January, April, July, and October, instead of the times as now fixed by law.

Approved March 1, 1860.

1860.

CHAPTER 883.

AN ACT to furnish County Judges with necessary blank books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Blank books
for quarterly
courts to be
paid for out of
the treasury.

That hereafter, when any of the county judges of this Commonwealth shall file his account with the Auditor of Public Accounts, properly authenticated by his own affidavit, of the cost of such well-bound blank books as he may need as presiding judge of the quarterly court, it shall and may be lawful for the Auditor of Public Accounts to draw his warrant on the Treasurer, in favor of such county judge, for the sum so paid by him; provided he shall not purchase more than one order book and one execution book at a time, which are to be considered a part of the public records of his office, and delivered over to his successor when such judge shall go out of office.

Approved March 1, 1860.

CHAPTER 902.

AN ACT for the benefit of Agricultural and Mechanical Fairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Marshals of
Agricultural &
Mechan'l fairs
may be clothed
with powers of
a constable dur-
ing fairs.

To give bond
and take oath.

§ 1. That the president and managers of the agricultural and mechanical fairs of this Commonwealth shall have the authority to clothe their marshal with the power of constables, as conservators of the peace, during the continuance of the fairs.

§ 2. That before the marshals thus appointed shall proceed to act, they shall execute bond, with good security, in the county clerk's office in the county in which said fair is to be held, the bond to be approved of by the county judge or county court clerk. They shall likewise take the oath the constables are by law required to take, and be subject to all the laws now in force relating to constables; and they shall be entitled to the same fees that constables now are for similar services.

§ 3. This act to be in force from its passage.

Approved March 1, 1860.

CHAPTER 904.

1860.

AN ACT to authorize the Hancock County Court to levy a tax to defray county charges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hancock county court be, and is hereby, authorized to levy a capitation and ad valorem tax on all titheables and property in said county, subject to taxation for State or county purposes under existing laws, not to exceed in one year more than five cents on the one hundred dollars' worth of property, nor more than fifty cents on the head, in addition to what said court is now by law authorized to levy. This power is given for the purpose of defraying the expenses of building bridges and other necessary county charges. The power vested by this act in said court is to continue for only two years, and to be exercised annually.

Ad valorem and capitation tax authorized, for the purpose of building bridges and other necessary county charges, for two years.

§ 2. That said Hancock county court (the justices concurring) may, at the next April or May term, lay said additional levy, collectable in 1860.

§ 3. The sheriff of Hancock county is hereby empowered to collect said tax, under the same rules, regulations, and penalties as now prescribed by law, and pay it over as the county levy is now paid.

Sheriff to collect.

§ 4. This act shall take effect from and after its passage.

Approved March 1, 1860.

CHAPTER 913.

AN ACT to change the time of holding the Lewis county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the second Monday of March, 1860, the terms of the Lewis county quarterly court shall commence on the fourth Mondays of March, June, September, and December, and continue at each term until the business is disposed of, instead of the times now prescribed by law.

Approved March 1, 1860.

CHAPTER 917.

AN ACT regulating the time of holding the Circuit Courts in the Second Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the second judicial district shall commence and be held as follows:

1860.

Trigg.

In the county of Trigg the third Monday in February and last Monday in August, and continue eighteen juridical days, if the business of the court require it.

Christian.

In the county of Christian the third Monday in March and September, and continue twenty-four juridical days, if the business of the court require it.

Todd.

In the county of Todd the third Monday in April and October, and continue eighteen juridical days, if the business of the court require it.

Muhlenburg.

In the county of Muhlenburg on the second Monday in May and November, and continue eighteen juridical days at the May term and twelve at the November term, if the business of the court shall require it.

Caldwell.

In the county of Caldwell the first Monday in June and fourth Monday in November, and continue eighteen juridical days at the June term and twelve juridical days at the November term, if the business of the court require it.

Lyon.

§ 2. That the county of Lyon be, and is hereby, added to the second judicial district, and the circuit courts in said county shall hereafter commence on the fourth Monday in June and second Monday in December, and continue twelve juridical days, if the business of the court require it.

Process and recognisances.

§ 3. That all recognizances and process in any of the said courts shall stand and be made returnable at the terms of said courts herein specified and directed to be held, and the clerk of the criminal and equity court of Lyon county is directed to transfer all the papers and causes pending in said court to the circuit court clerk's office of said county.

§ 4. This act to take effect from its passage.

Approved March 1, 1860.

CHAPTER 920.

AN ACT to change the time of holding the Quarterly Courts of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the quarterly courts of Warren county shall be held on the first Mondays in January, April, July, and October, in each year.

§ 2. This act to take effect from its passage.

Approved March 1, 1860.

CHAPTER 925.

1860.

AN ACT changing the time of holding the March term of the Shelby Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the March term of the Shelby quarterly court shall be holden, commencing on the fourth Monday of March, instead of the first Monday, as heretofore.

Approved March 1, 1860.

CHAPTER 927.

AN ACT to amend an act creating the Fourteenth Judicial District, and fixing the times of holding courts therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court for Hopkins county, in the fourteenth judicial district, shall hereafter commence on the third Monday in May and third Monday in November, and continue eighteen juridical days, if the business of the court requires it.

Hopkins.

§ 2. In the county of Henderson, on the second Monday in June and second Monday in December, and continue thirty juridical days, if the business of the court requires it.

Henderson.

§ 3. That this act take effect from and after its passage; and that an act supplemental to an act creating the fourteenth judicial district, and authorizing a term in Hopkins county to try criminal and equity cases, be, and the same is hereby, repealed.

Hopkins crim. & eq. term repealed.

Approved March 1, 1860.

CHAPTER 942.

AN ACT to regulate the holding of certain terms of the Circuit Courts in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act the December term of the Kenton circuit court, held in Independence, shall commence on the second Monday in December and continue twelve juridical days, if the business so require; and that the December term of the Kenton circuit court, held in Covington, shall commence on the fourth Monday in December, and continue twenty-four juridical days, if the business so require.

Independence.

Covington.

§ 2. This act to take effect from its passage.

Approved March 1, 1860.

1860.

CHAPTER 943.

AN ACT to change the time of holding the March term of the Estill Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the March term of the Estill quarterly court is hereby abolished; and that instead of its being held on the fourth Monday in March, as heretofore, it shall be held on the first Monday in April in each year.

§ 2. This act shall take effect from and after the first day of April next.

Approved March 1, 1860.

CHAPTER 945.

AN ACT regulating the times of holding the Circuit Courts in the several counties in the third judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws, passed at the present session of the General Assembly aforesaid, regulating the times of holding the circuit courts for the several counties in the third judicial district of the Commonwealth aforesaid, shall stand repealed from and after the first day of July, 1860, and that from and after that time the circuit courts for the several counties in the district aforesaid, shall commence in the counties at the times hereinafter specified, and be held the number of days allotted to each term, if the business of the court shall require it, viz:

Hancock. In the county of Hancock, on the second Mondays in August and February, and continue each six juridical days.

Daviess. In the county of Daviess, on the third Mondays in August and February, and continue each eighteen juridical days.

McLean. In the county of McLean, on the second Mondays in September and March, and continue each twelve juridical days.

Ohio. In the county of Ohio, on the fourth Mondays in September and March, and continue each twelve juridical days.

Breckinridge. In the county of Breckinridge, on the second Mondays in October and April, and continue each twelve juridical days.

Meade. In the county of Meade on the fourth Mondays in October and April, and continue each twelve juridical days.

Grayson. In the county of Grayson, on the second Mondays in November and May, and continue each twelve juridical days.

In the county of Larue, on the fourth Mondays in November and May, and continue each twelve juridical days. In the county of Hardin, on the second Mondays in December and June, and continue each eighteen juridical days.

1860.

Larue.
Hardin.

§ 2. The foregoing courts shall be held at the court-houses in the several counties aforesaid.

§ 3. This act shall take effect on the first day of July, 1860, and all laws inconsistent with its provisions shall then stand repealed.

Approved March 1, 1860.

CHAPTER 954.

AN ACT to amend section 778, chapter 3, Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven hundred and seventy-eight, chapter three, of the Civil Code, be so amended as to authorize all processes and other orders of the Louisville chancery court to be executed by the sheriff of Jefferson county, and all processes and other orders of the Jefferson circuit court, may be executed by the marshal of the Louisville chancery court.

§ 2. This act to take effect from its passage.

Approved March 1, 1860.

CHAPTER 964.

AN ACT in relation to the Mayfield branch of the Bank of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so soon as an act to amend the charter of the Bank of Ashland, passed at the present session of the Legislature, shall be accepted by said Bank of Ashland, said bank shall have the right to put the Mayfield branch of said bank into operation; and for that purpose the president and directors of the parent bank may appoint commissioners to have the stock taken according to the act aforesaid, and may appoint the directors and president and other officers of said branch at Mayfield, who shall continue in office until their successors are appointed according to said act aforesaid.

Mayfield br'ch
may be put in
operation by
parent bank, if
amendment at
present session
is accepted.

Approved March 1, 1860.

1860.

CHAPTER 965.

AN ACT establishing the Magoffin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That Magoffin county is hereby attached to the eleventh judicial district, and that the circuit courts in said county shall begin the Monday succeeding the close of the fall and spring terms of the Morgan circuit courts, and continue six juridical days, if the business of the court require it.

§ 2. This act to take effect from and after its passage.

Approved March 1, 1860.

CHAPTER 978.

AN ACT changing the time of holding the Hardin County Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts of the county of Hardin shall hereafter be held on the first Monday in the months of January, April, July, and October in each year, instead of the fourth Monday of said months, as now provided by law.

§ 2. This act to take effect from and after February 1st, 1860.

Approved March 1, 1860.

CHAPTER 999.

AN ACT in relation to caveats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter when a caveat shall be filed with the clerk of the circuit court, it shall be placed on the ordinary docket, and stand for trial as an ordinary action.

§ 2. This act shall apply to caveats now pending, and shall take effect from its passage.

Approved March 1, 1860.

CHAPTER 1002.

1860.

AN ACT authorizing persons confined in jail for fines to replevy the same before Circuit Court Clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where any person is confined in any of the jails of this Commonwealth for the non-payment of fines, it shall and may be lawful for the clerk of the circuit court of the county where such person is confined to take bond from such person, with good and sufficient security, for the payment of such fine. The bond shall be for the same time, and in substance the form, and have the same force as replevin bonds. The clerk shall have fifty cents for taking the bond, which shall be taxed and included in said bond as part of the cost. The defendant so replevying the fine shall be discharged by the jailer, if detained for no other cause.

Fines may be replevied.

§ 2. This act shall take effect from its passage.

Approved March 1, 1860.

CHAPTER 1004.

AN ACT authorizing the County Court of Ohio county to levy an additional tax for county purposes.

WHEREAS, It is in view to build a new court-house, jail, and public offices in the county of Ohio, and as it will require more money than can well be appropriated out of the current resources of the county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Ohio county (a majority of the justices of said county being present and concurring therein) be authorized and empowered, in addition to the present county levy, to levy, for the purposes aforesaid, an ad valorem tax of not exceeding ten cents on the one hundred dollars' worth of taxable property, and a poll tax of not exceeding seventy-five cents on each tithe in said county, to be collected and accounted for by the same officer, and in the same manner, as the present county levy and revenue.

County court authorized to levy an additional tax to build new jail & court-house.

§ 2. That the order of said county court, at its last November term, laying the county levy for the year 1860, be rescinded; and the county court is authorized to relay the same.

New levy for 1860 authorized; old one rescinded.

§ 3. That the provisions of this act shall continue in force for six years after the first levy.

This act to be in force 6 years.

§ 4. That this act take effect from its passage.

Approved March 1, 1860.

1860.

CHAPTER 1005.

AN ACT to amend the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appellate jurisdiction of Court of Appeals extended.

§ 1. That the court of appeals shall have appellate jurisdiction in all prosecutions for misdemeanors, except where the only punishment is either a fine of fifty dollars, or not exceeding that amount, or imprisonment not exceeding thirty days, or both fine and imprisonment not exceeding the amounts above specified.

§ 2. This act shall take effect from its passage.

Approved March 1, 1860.

CHAPTER 1007.

AN ACT to amend an act, entitled "An act to amend section 832, Civil Code of Practice."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stanton's Civil Code Practice, p. 298.

Constable may be fined for returning warrant out of defendant's district.

Judgments in such cases of wrongful returns to be null and void.

Proviso.

Proviso.

§ 1. That an act, entitled "An act to amend section eight hundred and thirty-two, of chapter three, and article one, Code of Practice," approved February 16, 1858, be amended as follows, to-wit: Any constable who shall hereafter return any summons or other process returnable before a justice of the peace, in any other district than that in which the defendant resides at the date of such return, shall be fined for each offense the sum of twenty dollars, to be recovered by indictment in the city court of Louisville. All judgments which may be hereafter rendered by a justice of the peace against defendants who do not reside in the district of such justice of the peace when judgment may be rendered, or did not reside in such district when process was served, shall be null and void. If, however, the justices in the district of the defendant's residence are both interested in the subject of the suit, or refuse to act, it shall be the duty of the constable to return the summons in an adjoining district, with such facts indorsed thereon; and thereupon, and not otherwise, judgment may be rendered as if such defendant resided in said district: *Provided, however,* That this act shall only apply to the city of Louisville.

§ 2. This act shall take effect from its passage.

Approved March 1, 1860.

CHAPTER 1008.

1860.

AN ACT fixing the time of holding the Quarterly Court of the county of Daviess.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court of the county of Daviess shall commence its terms on the first Mondays in February, May, and November, and the first Tuesday in August, each year, and continue in session from day to day until the business in said court shall be disposed of.

§ 2. This act to take effect from its passage.

Approved March 1, 1860.

CHAPTER 1013.

AN ACT to repeal so much of an act, entitled "An act to create the fourteenth judicial district," as applies to the county of McLean.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the fifth section of an act, entitled "An act to create the fourteenth judicial district," approved February 17, 1860, as authorizes the qualified voters in the county of McLean to vote for judges and Commonwealth's attorneys, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 1, 1860.

CHAPTER 1025.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of fifteen thousand dollars be, and the same is hereby, appropriated to the Kentucky Institution for the Education of the Blind, to be paid to the board of visitors thereof, to enable them to inclose the grounds of said institution with a substantial fence; to erect a work-shop for the male pupils; to purchase an organ; to paint the interior of the main edifice of said institution, and finish the public hall and sleeping rooms thereof, in accordance with the original plan of said edifice, as approved by the Governor of this Commonwealth, in the year 1852, and by the board of commissioners appointed by the Governor, in accordance with legislative enactment, to recommend a plan of a suitable building for the Institution for the Blind.

\$15,000 appropriated.

Approved March 1, 1860.

1860.

CHAPTER 1026.

AN ACT to compensate the Secretary of State for copying the laws of the present session for publication in Stanton's edition of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation
to pay for copy-
ing laws to be
furnished Stan-
ton.

That the Secretary of State be, and he is hereby, allowed the sum of fifteen cents for each and every page of foolscap writing he may necessarily have to do, in complying with the act, entitled "An act directing the purchase of Stanton's edition of the Revised Statutes for the use of the Commonwealth;" and when he shall have completed the copying of the laws directed by said act, the Governor of the State shall certify the number of pages for which he is entitled to pay, to the Auditor of Public Accounts, who shall issue his warrant upon the treasury for the amount thereof.

Approved March 1, 1860.

CHAPTER 1031.

AN ACT to change the time of holding the Quarterly Courts in Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved March 4th, 1854, fixing the time for holding the quarterly courts in Lyon county, is hereby repealed, and that hereafter said courts shall be held the second Mondays in March, June, September, and December.

§ 2. This act shall be in force from its passage.

Approved March 1, 1860.

CHAPTER 1049.

AN ACT to provide compensation to one or more persons who may prosecute suits for the benefit of themselves and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Certain per-
sons to contrib-
ute for expens-
es and trouble
of prosecuting
suits.

§ 1. That where suits are brought for the settlement of estates, or for the recovery of money or property held in joint tenancy, coparcenary, or as tenants in common, and it shall be made to appear that one or more of the legatees, devisees, distributees, or parties in interest, have prosecuted and carried on the suit for the benefit of others interested with themselves, and have been at trouble and expense in conducting the same, it shall be the duty of the court to allow such person or persons reasonable compensation for

such trouble, and for necessary expenses, in addition to the fees and costs now by law taxable in the bill of costs; said allowance to be paid out of the funds recovered, before distribution is made of the same: *Provided*, That the persons interested shall have notice of the application for such allowance.

1860.

§ 2. This act shall apply to all actions now pending, and shall take effect from and after its passage.

Approved March 1, 1860

CHAPTER 1053.

AN ACT to amend section 20 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts of this Commonwealth shall have appellate jurisdiction of the judgments and final orders of the county courts in cases of bastardy.

Stanton's Civ.
Code Prac., p.
25.

§ 2. This act to take effect from its passage.

Approved March 1, 1860.

CHAPTER 1057.

AN ACT changing the terms and times of holding the Circuit Courts in the Twelfth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the twelfth judicial district of Kentucky shall hereafter be held at the several court-houses as now held, and at the times and for the number of days each as hereinafter specified.

§ 2. In the county of Rockcastle, on the last Mondays in February, and continue twelve juridical days, and on the Thursdays succeeding the first Monday in August, and continue nine juridical days.

Rockcastle.

In the county of Laurel, on the second Monday in March, and continue twelve juridical days, and on the third Monday in August, and continue six juridical days.

Laurel.

In the county of Whitley, on the fourth Mondays in March and August, and continue each term twelve juridical days.

Whitley.

In the county of Knox, on the Mondays succeeding the close of the Whitley courts, and continue each term twelve juridical days.

Knox.

In the county of Harlan, on the fourth Mondays in April and September, and continue six juridical days each term; and when there are five Mondays in either of said months, then said court shall be for twelve juridical days.

Harlan.

- 1860.** In the county of Letcher, on the first Mondays in May and October, and continue each term six juridical days.
- Letcher.** In the county of Perry, second Mondays in May and October, and continue six juridical days each term.
- Perry.** In the county of Breathitt, on the third Mondays in May and October, and continue six juridical days; when, however, there are five Mondays in either of those months, the term shall be for twelve juridical days.
- Breathitt.** In the county of Owsley, on Mondays ensuing the close of the Breathitt courts; the spring term shall be twelve juridical days; the fall term six juridical days.
- Owsley.** In the county of Estill, on the succeeding Monday after the close of the Owsley courts; the spring term for twelve, the fall term for six juridical days.
- Estill.** In the county of Jackson, on the Mondays succeeding the close of the Estill courts, and continue for six juridical days each term.
- Jackson.** In the county of Clay, on the Mondays ensuing the Jackson courts, and continue for twelve juridical days each term.
- Clay.**

§ 3. Nothing herein contained shall be construed as preventing the court from adjourning any of said courts when the business of said court shall have been disposed of.

§ 4. This act shall be in force from its passage.

Approved March 1, 1860.

CHAPTER 1060.

AN ACT to change the time of holding the Larue County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first of April, 1860, the county court for Larue county shall be held on the first Mondays in each month, instead of the fourth Monday, as now held by law: *Provided*, That in the months circuit courts in said county are held, there shall be no regular term of said county court held.

§ 2. This act shall not deprive the county judge of said county from holding any special or called term of said court, as is now provided for by law.

Approved March 1, 1860.

CHAPTER 1064.

1860.

AN ACT supplemental to an act, entitled "An act for the benefit of the Penitentiary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor, Beriah Magoffin, Dr. Hugh Rodman, Joseph Patterson, and C. Drake, (any three of whom may act,) be, and they are hereby, appointed a board of commissioners to make the improvements directed to be made in the penitentiary by an act, entitled "An act for the benefit of the penitentiary," approved February, 1860.

Board com'rs appointed to make improvements in penitentiary.

§ 2. The commissioners shall have power to sell all lumber, materials, and machinery now in the yard, belonging to the State, not needed nor used by the keeper, at public auction, after giving due notice; and the keeper shall be entitled to a credit for all materials, lumber, and machinery sold that was valued to him, at the amount they were valued to him at, unless such articles have depreciated in value from use or neglect, and then such deduction shall be made as is just and proper to be made. They shall also have power to sell all lumber and materials of every kind that is in the old work-shops, when the same are torn down or repaired; and all moneys arising from the sale of such lumber, materials, and machinery, shall be paid into the treasury, to the credit of the Sinking Fund.

Board to have power to sell lumber, materials, and machinery.

Keeper to have credit.

Board to have power to sell all lumber and materials in old work-shops.

Money arising to be paid into treasury to credit of sinking fund.

§ 3. This act to take effect from and after its passage.

Approved March 2, 1860.

CHAPTER 1068.

AN ACT for the benefit of the Clarksville Branch of the Planters' Bank, in Tennessee.

WHEREAS, It is represented to this General Assembly that the coupons of interest or dividend warrants for interest, due January, 1857, on the following two bonds of the State of Kentucky, viz: Two Kentucky internal improvement State bonds, Nos. 142 and 144, were cut off from said bonds, and have been accidentally lost and destroyed, and that said bonds, Nos. 142 and 144, have been redeemed and canceled; and also that said coupons or warrants are unpaid, and that said coupons or warrants, amounting in the aggregate to the sum of \$120, (one hundred and twenty dollars,) were, at the time of their loss, the property of the Branch of the Planters' Bank, at Clarksville, Tennessee; now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the execution of a bond by one or more

1860.

Commission-
ers of sinking
fund authoris-
ed to pay Plan-
ters' Bank Ten-
nessee, branch
at Clarksville,
\$120 in satis-
faction of lost
coupons.

residents and citizens of the State of Kentucky, to be approved by the commissioners of the sinking fund, conditioned to save harmless and indemnify the State of Kentucky against all loss or payments on account of the coupons of interest or dividend warrants aforesaid, the said commissioners are hereby authorized to pay to the president and directors of said branch of Planters' Bank, at Clarksville, the said sum of one hundred and twenty dollars, in full satisfaction of said coupons or warrants.

Proviso.

§ 2. That before any such payment shall be made, the said president, or other officer of said branch of the Planters' Bank, shall file with the commissioners the evidence of the loss and ownership of said coupons, and no payment shall be made unless they are satisfied of such loss and ownership, as above represented.

§ 3. This act shall take effect from and after its passage.

Approved March 2, 1860.

CHAPTER 1070.

AN ACT to authorize the running and marking the boundary line of the county of Webster.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commission-
er appointed to
run and mark
lines of Web-
ster county.

§ 1. That Charles C. Buckman be, and he is hereby, appointed a commissioner to run and mark the lines of the county of Webster, as designated in the Act of Assembly creating said county; and said commissioner is hereby authorized to employ as many persons as chainmen and markers as shall be necessary to accomplish the object.

Pay.

§ 2. That the county court of said county of Webster, at their first levy court, or court of claims, shall levy a sufficient sum on said county to pay the expenses of making said survey and establishing said boundary.

To ascertain
and mark the
center of the
county.

§ 3. That said commissioner shall ascertain, as near as possible, where the center of said county is, and mark the same upon the map he shall make out; and the map and report of said commissioner shall be entered upon the record of the Webster county court.

§ 4. This act shall be in force from and after its passage.

Approved March 2, 1860.

CHAPTER 1071.

1860.

AN ACT to amend chapter 68 of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whenever any father shall have abandoned his infant child, or children, it shall be lawful for the county court of the county in which such infant or infants reside, upon the application of their mother if living, or, if she be dead, upon the application of the guardian or person having the custody of such infant, to change their name or names.

2 Stanton's
R. S., p. 184.

Approved March 2, 1860.

CHAPTER 1072.

AN ACT to punish frauds in the election of School Trustees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who may be chosen to preside over the election of school trustees in any school district in this Commonwealth, who shall, knowingly and with intent to commit a fraud, receive and count any illegal vote, or issue a certificate of election to any person not entitled thereto, or shall refuse to issue such certificate to any one duly elected; and any person who shall, with fraudulent intent, deface, mutilate, or destroy the records of any such election, shall, upon indictment by the grand jury and conviction thereof, be fined the sum of fifty dollars for every such offense, or be confined for twenty days in the county jail in default of the payment of such fine. And such fines shall, when paid, be added to the school fund of the district in which such fraud was committed.

Officer of
Election, of
School Trustees
committing fraud in
the election to
be fined and
imprisoned.

§ 2. This act to be in force from its passage.

Approved March 2, 1860.

CHAPTER 1073.

AN ACT to amend the common school law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction, in addition to his duties now prescribed by law, shall keep a record of all sums, which may be dedicated and set apart to the benefit of the common schools in the several counties of this Commonwealth; and he shall represent the

Record to be
kept of all sums
dedicated to
Com. Schools.

1860. interests of the common schools in the collection of the same.

Superintendent of Public Instruction may exchange Reports, &c., with other States.

Copies from his office to be evidence.

Where to keep office.

When school commissioners to settle and forward their accounts.

What settlement shall show.

Penalty for failure.

Penalties for fraudulent reports.

School Trustees to report under oath of two of their board; penalty for false oath.

§ 2. He may exchange with any State in this Union copies of the school reports and documents of this State, for copies of the school reports and documents of such other State.

§ 3. Copies of records and papers in his office, certified by him, shall, in all cases, be evidence equally with the originals.

§ 4. He shall keep his office in the city of Frankfort, or in some city or town within a day's travel therefrom.

§ 5. The school commissioners of the several counties of this Commonwealth shall, so soon as the school fund coming to their respective counties shall have been received by them, and the proper demand made, pay out and disburse the same to the persons entitled thereto, and within ninety days settle their accounts with the county court, and forward a copy of such settlement, certified by the clerk of said court, to the Superintendent of Public Instruction; and said copies of settlement with the county court shall embrace all sums received since the date of their last settlement, by said commissioners for the benefit of common schools, and also contain a full statement of all sums paid out by them, for what, to whom, and when paid; and should any commissioner fail to pay out and disburse the common school moneys received by him, and to make settlement and report the same within ninety days, as above directed, shall be guilty of a misdemeanor, and on conviction thereof, on indictment in the circuit court, be fined in a sum not less than one hundred, nor more than five hundred dollars, as well as remain liable on his official bond.

§ 6. Any school commissioner who shall knowingly and willfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county greater than the number of such schools actually taught therein according to law, or a number of children entitled to tuition in his county greater than the actual number of such children therein, or otherwise knowingly and willfully misstate any fact or facts which he now is, or may hereafter be required by law to report to said Superintendent, shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof, on indictment in the circuit court, be fined in a sum not less than two hundred, nor more than five hundred dollars, or imprisoned in the county jail not longer than six months, or both so fined and imprisoned, in the discretion of the jury.

§ 7. The school trustees of the several counties of this Commonwealth shall, within the times and in the manner prescribed by law, make their reports to the county commissioners; and said reports shall be verified by the affida-

vits of at least two school trustees of the districts thus reported. - No report from any school district shall be received and reported by any school commissioner unless verified as aforesaid; and any school trustee or trustees who shall knowingly and willfully misreport under oath any fact or facts now or hereafter required of them by law to be reported, shall be deemed guilty of perjury, and shall, on conviction thereof on indictment in the circuit court, be punished by confinement in the penitentiary not less than one nor more than six years.

§ 8. The several judges of this Commonwealth shall, at each court held by them, give the sixth and seventh sections of this chapter in charge to the grand jury.

§ 9. This act shall take effect from and after its passage.

Approved March 2, 1860.

Judges to give 6 and 7 sections of this act in charge to grand juries.

CHAPTER 1075.

AN ACT to furnish the County Court Clerk of Boyle county with necessary books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State is hereby authorized to furnish the county court clerk of Boyle county with such books as said clerk is entitled to by law, as his books were destroyed by fire.

§ 2. This act to take effect from and after its passage.

Approved March 2, 1860.

CHAPTER 1089.

AN ACT to amend section 11, chapter 7, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the taker up of any boat, water-craft, or vessel on the Ohio river, shall, in addition to the cost of entering the certificate of appraisement, be entitled to the following compensation: For each steamboat, ship, brig, schooner, or sloop, thirty-five dollars. For each horse-boat, twelve dollars. For each flat-boat, if full or more than half loaded, twenty dollars; if half full, or less, fifteen dollars; if unloaded, ten dollars. For each barge or keel-boat, if loaded in whole or part, fifteen dollars; if unloaded, ten dollars. For each wood-flat, three dollars. For each ferry-flat, three dollars. For each skiff, canoe, or perogue, one dollar. For each raft of logs, timber, or plank, one dollar

1 Stanton's R. S., p. 325. Compensation for taking up stray boats, & other water crafts.

1860.

and fifty cents for each platform thereof. The taker up shall be allowed a reasonable compensation for taking care of the thing taken up, and shall have a lien thereon for his entire compensation, and may hold possession thereof until paid.

Approved March 2, 1860.

CHAPTER 1093.

AN ACT in relation to Forfeited Lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ Stanton's
R.'S., p. 106.

§ 1. That chapter 59, section 1st, of the Revised Statutes, be, and the same is hereby, amended, by repealing that part of said section, beginning at the word "unless," to the end of said section.

Laws author-
izing redemption
of lands
forfeited prior
to 1834 repeal-
ed.

§ 2. That all laws now in force in this Commonwealth authorizing the redemption of lands that were forfeited for the non-payment of taxes, or other cause, prior to the 1st day of January, 1834, are hereby repealed; that all grants subsequently made by the State, of any such forfeited lands, shall vest the fee-simple title in the grantees, their heirs or assigns.

Forfeited
lands subject to
entry as vacant
lands.

§ 3. That all lands forfeited as stated in the preceding section, and not heretofore granted by the State, shall be subject to entry in the same manner as now provided by law in regard to vacant and unappropriated lands.

Preference to
actual occup-
ant.

§ 4. That any person having possession of any such land, forfeited as aforesaid, claiming the same to a well defined or marked boundary, shall have the exclusive right, for twelve months after the passage of this act, to pre-empt the land so held, not exceeding five hundred acres. The possession to authorize the exclusive right to pre-empt, shall be by actual residence on the land by the claimant, or his or her tenant.

Claimant by
deed, to have
the right to
pre-empt the
land for 12
months.

§ 5. Any person holding any such forfeited lands by deed of conveyance made *bona fide*, and who have regularly listed and paid taxes on the same, but who have not such title and possession as will, under existing laws, vest them with title by reason of the forfeiture of the land, shall have the exclusive right, at any time within twelve months after the passage of this act, to pre-empt the land so held.

Grant to
operate a re-
lease of taxes.

§ 6. That in all cases where there are taxes due the State, on lands forfeited prior to the 1st day of January, 1834, and such lands have been granted by the State subsequently to such forfeiture, such grant shall operate as a release of all the taxes due upon that so granted, up to the date of such grant. And all grants that may be hereafter

made of any such lands, shall in like manner operate as a release of the taxes due at the date of such grant. The release of taxes, as herein provided, shall inure to the benefit of the grantees, their heirs or assigns: *Provided*, That nothing herein contained shall prevent the State from proceeding to sell for taxes any lands not heretofore granted, and that shall not be entered and surveyed within twelve months from the passage of this act; after that time, the State may proceed to sell for taxes, in conformity with existing laws, any forfeited lands not granted, or entered and surveyed as herein provided.

§ 7. This act shall take effect from and after its passage. *Provided, however*, That the provisions of this act shall in nowise apply to or affect an act passed at the present session of the General Assembly, for the benefit of the heirs of John Moylan, deceased.

Approved March 2, 1860.

1860.

Proviso.

CHAPTER 1116.

AN ACT to amend chapter 107, Revised Statutes, title Witnesses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 107 of the Revised Statutes, title Witnesses, be so amended as to append thereto—

“§ 14. Any witness who is summoned to attend court out of the county of his residence, shall not be exempt therefrom by reason of the failure of the party summoning him to pay or tender his traveling expenses, unless the witness, at the time of being summoned, demands the same, which fact shall be returned by the officer serving the subpoena.”

§ 2. This act to take effect from its passage.

Approved March 2, 1860.

2 Statton's Revised Statutes, p. 472.

Witness not exempt by reason of expenses not being tendered, unless he demand them.

CHAPTER 1122.

AN ACT regarding the jurisdiction of County Courts to open roads in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the route of a proposed new road commences in one county, and runs partly through another county, and finally terminates in that county in which it commenced, then, and in all such cases, the county court, or circuit court, of that county in which said road begins and terminates, shall have the right to appoint viewers to view the entire route in both counties; and shall have

Where new road begins & ends in the same county—county or circuit of such county to have jurisdiction to establish, although proposed route may

1860. jurisdiction to open and establish the same, as now provided by law in cases where the road is wholly within the limits of one county.

run through
part of another
county.

§ 2. This act to be in force from its passage.

Approved March 2, 1860.

CHAPTER 1128.

AN ACT to repeal the law prohibiting the importation of slaves into this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

2 Stanton's
R. S., pp. 362,
364, 365.

That article second of chapter XCIII, of the Revised Statutes, except the first section of said article, be, and the same is hereby, repealed.

Approved March 2, 1860.

CHAPTER 1131.

AN ACT for the benefit of chartered Cemeteries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the chartered cemeteries of this Commonwealth are hereby exempted from taxation for State revenue.

Approved March 2, 1860.

CHAPTER 1183.

AN ACT to regulate the sale of Spirituous Liquors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty for
selling spirit-
uous or vinous
liquors to mi-
nors.

§ 1. That hereafter no person shall sell to any white person, under the age of twenty-one years, any spirituous or vinous liquors, or the mixture of either, unless by the written consent or request of the father of such minor, if living, or of the mother or guardian of such minor, if the father be dead; and any person so offending shall be subject to a penalty of fifty dollars for each and every offense, recoverable in any court having jurisdiction of the amount, by warrant or indictment.

Judges to give
this act in
charge to grand
juries.

§ 2. That it shall be the duty of the judges of this Commonwealth to give this act in charge to the grand jury, at each of their several courts.

§ 3. This act to take effect from the first of June next.

Approved March 2, 1860.

CHAPTER 1136.

1860.

AN ACT to amend section 611 of the Civil Code.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That where the party plaintiff or defendant may be in the county, but mentally incapable of taking an oath, or physically unable to attend before the court or officer for the purpose of making an affidavit, the agent or attorney of the party may make an affidavit for any of the purposes mentioned in said section; in which case the affidavit shall state the inability of the party, and that affiant is agent or attorney.

Stanton's
Civ. Code Prac.
p. 220.
Agent or At-
torney in cer-
tain cases may
make the affi-
davit hereto-
fore required of
the party to an
action.

§ 2. This act to take effect from the time of its passage.

Approved March 2, 1860.

CHAPTER 1138.

AN ACT to reduce the price of the unsold lands lying in Jackson county, belonging to the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter all vacant and unappropriated lands belonging to this Commonwealth, lying in the boundary of Jackson county, shall be open to entry at the price of two dollars and fifty cents for one hundred acres, and ratably in that proportion for a greater or less amount of acres.

§ 2. This act to take effect from its passage.

Approved March 2, 1860

CHAPTER 1142.

AN ACT changing the March and September terms of the Lewis Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the March and September terms of the Lewis quarterly courts shall be held on the fourth Mondays in March and September of each year, instead of on the second Monday of said months, as now required by law.

§ 2. This act shall take effect from and after the 12th day of March, 1860.

Approved March 2, 1860.

1860.

CHAPTER 1143.

AN ACT providing for *post mortem* examinations in certain cases.*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Physicians, or
surgeons to be
paid for ser-
vices in *post*
mortem exami-
nations.

§ 1. That whenever, in the opinion of the coroner of any county, it shall be necessary to cause a *post mortem* examination of the corpse of any person on which an inquest is to be holden, that he may employ one or more competent surgeons or physicians for that purpose; and a reasonable fee shall be allowed such surgeons or physicians by the county court of the county in which said inquest shall be holden, to be paid out of the county levy: *Provided*, That the cities of Louisville and Covington pay the expenses of inquests within their limits.

§ 2. That this act shall take effect from its passage.

Approved March 2, 1860.

CHAPTER 1145.

AN ACT to amend the 670th section of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stanton's
Civil Code of
Practice, p. 283.

That the sixth division of the 670th section of the Code of Practice shall be, and the same is hereby, amended, so as to have these words added thereto, to-wit: But this sixth division shall not hereafter be so construed as to exclude a witness from testifying who has no interest in the issue to be tried.

Approved March 2, 1860.

CHAPTER 1150.

AN ACT to repeal an act repealing the Equity and Criminal Court in Ballard and Graves counties, so far as Graves county is concerned.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act repealed.

§ 1. That so much of an act, entitled "An act repealing the equity and criminal court in Ballard and Graves counties, so far as Graves county is concerned, be, and the same is hereby, repealed.

Former laws
revived.

§ 2. That said equity and criminal court is hereby re-established in the said county of Graves; and that all acts, or parts of acts, passed by the General Assembly of the Commonwealth of Kentucky at its present session, in reference to the equity and criminal court in Graves county, be, and

the same are hereby, re-enacted, except the act repealed by this act.

1860.

§ 3. This act to take effect from and after its passage.

Approved March 2, 1860.

CHAPTER 1156.

AN ACT for the benefit of the Common School Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all laws now in force that gives to the prosecutor or informer, other than the Commonwealth's attorney, in an action for the recovery of money lost at gaming, any portion of the forfeiture, any part of a penalty for gaming consequent upon conviction, be, and the same are hereby, repealed; and that hereafter all moneys so forfeited, after the payment of the necessary cost of prosecution, that went to the informer or prosecutor, other than the Commonwealth's attorney, be, and the same are hereby, appropriated to the use and benefit of the common school fund of this Commonwealth.

Informers, other than Com'th Attorney, not entitled to any part of penalty in gaming cases, but the same to go to the common school fund.

Approved March 2, 1860.

CHAPTER 1166.

AN ACT in relation to peddlers selling by sample card, or otherwise, in Jefferson county and city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall not be lawful for any person or persons to sell, within the city of Louisville or county of Jefferson, by sample card or other specimen, or otherwise, any goods or merchandise of any kind or description whatsoever, for or on account of any merchant, manufacturer, or other persons not having his principal place of business within this State, and to whom a license has not been granted under the laws of this Commonwealth; and if any person shall sell, or exhibit for sale, either by sample card or otherwise, in the city of Louisville or county of Jefferson, any goods or merchandise, in violation of the provisions of this act, such person or persons so offending shall be liable to a fine of three hundred dollars for every such offense, which may be recovered by a suit in the name of the Commonwealth, before any circuit, county, or city court, or justice of the peace of the city of Louisville or county of Jefferson, one half to the use of the informer, who shall be a competent witness in such

Penalty for selling by sample card, or otherwise, for merchant, manufacturer, &c., not having his principal place of business in this State, goods or merchandise, not being licensed.

Informer may have half the penalty, and be a witness in the prosecution.

1860.

License \$300
for one year.

case, and the other half to be paid to the Treasurer of the State, for the use of the common school fund.

§ 2. A license to sell goods and merchandise within the county of Jefferson or city of Louisville, by sample card, specimen, or otherwise, shall be granted by the county court of said county, to any person who may not have his principal place of business within this State, on payment to the clerk of said county, for the use of the State, three hundred dollars; but no license so granted shall authorize such person to vend goods or merchandise in the manner aforesaid, for a longer period than one year from the day on which it may be issued.

§ 3. This act to take effect from its passage.

Approved March 2, 1860.

CHAPTER 1176.

AN ACT in relation to Peddlers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Tinware,
stoneware, tar,
& turpentine.

§ 1. That it shall be lawful for any citizen of this Commonwealth, who has resided in this State for five years, to peddle in this State tinware, stoneware, tar, and turpentine, without license: *Provided*, That the provisions of this bill shall only apply to tinware and stoneware manufactured in the State of Kentucky.

§ 2. This act to take effect from and after its passage.

Approved March 2, 1860.

CHAPTER 1177.

AN ACT for the encouragement of the Fine Arts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Artist painters may put off
their paintings
by lottery.

§ 1. That it may be lawful for that class of artists called painters to dispose of pictures, the entire creation of their pencil and individual art, or which may have been finished by them, in shares; and it may be lawful for them to determine, by lot, to what shareholder in a picture the same shall belong: *Provided*, That this act shall not be construed to apply to any other purpose than is set forth above, and that none but citizen artists, residents of this Commonwealth, shall avail themselves of its benefit: *And provided*, That no obscene or indecent picture shall thus be disposed of.

§ 2. Any one violating the provisions of the above act

shall be subject to all the penalties of the law in relation to lotteries.

1860.

§ 3. This act shall take effect from its passage.

Approved March 2, 1860.

CHAPTER 1178.

AN ACT to require assessors of tax to list the number of free persons of color in their respective counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That the assessors of tax in the several counties of this Commonwealth be, and they are hereby, required to ascertain, and return with their lists, the number of free persons of color in their respective counties; said list to be reported by them in a separate column.

Assessors to return the number of free persons of color in their respective counties.

§ 2. This act to take effect on the first day of January, 1861.

Approved March 2, 1860.

CHAPTER 1180.

AN ACT requiring Trustees, &c., to execute bond in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for the trustee or assignee in any conveyance made for the benefit of creditors, in anywise to proceed to execute the trust until he shall appear in the county court of the county where such conveyance may have been properly recorded, and take an oath faithfully to execute the duties confided to him by such conveyance, agreeably to law; and shall likewise execute a covenant in open court, with good security to be approved of by said court, payable to the grantor in such conveyance, to the effect that he will faithfully, in proper time, discharge all the duties of trustee imposed upon him by the conveyance, or by the laws of the land.

Assignees & trustees to execute bond.

§ 2. For a breach of the covenant named in the first section of this act, any person injured thereby shall have remedy for the recovery of damages, by appropriate action thereon, in any court having jurisdiction thereof.

Remedy for breach of bond.

§ 3. The clerk of the county court, for his services under this act, shall be entitled to the same fees allowed for similar services in granting administration upon decedents' estates.

Clerks' fees.

Approved March 2, 1860.

1860.

CHAPTER 1181.

AN ACT concerning County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County Court Clerks to make out statement of county claims allowed and resources of county—county debts, and amount received by county from all sources, and have same published.

That it shall hereafter be the duty of the clerks of the county courts in this State, immediately after the court of claims in their respective counties, to make out in tabular form a statement of the debts of their counties incurred by their counties the preceding year, the allowances made by the court, and to whom, and the purpose for which said allowance was made; also, the amount of money received by their counties from all sources; which statement shall be published in some newspaper printed in their respective counties; and if there be no paper printed in their counties, then said court shall order a sufficient number of said statement to be printed in handbill form; and it shall be the duty of said clerks to distribute said statement among the various justices of the peace in their respective counties, and they shall distribute them among the citizens of their respective districts.

Approved March 2, 1860.

CHAPTER 1182.

AN ACT to amend section five, article twenty-one, of chapter twenty-seven, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

¹ Stanton's R. S., p. 328. Justices' allowed \$2 per day.

§ 1. That section 5, article 21, of chapter 27, of the Revised Statutes, be so amended as to allow justices of the peace two dollars each for every day they may attend and assist in laying the county levy; also, the same fee for every day they may attend the county court under a summons of the presiding judge.

§ 2. This act shall take effect from its passage.

Approved March 2, 1860.

CHAPTER 1188.

AN ACT for the benefit of the sheriffs of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sheriffs given till 1st of May, 1860, to pay arrearages of revenue, &c.

§ 1. That the sheriffs of the several counties in this State shall have until the first day of May, 1860, to pay into the treasury any balance of revenue that may be due by them: *Provided*, That before any of the sheriffs aforesaid shall be

1860.

entitled to any of the benefits of this act, they shall file with the Auditor of Public Accounts the written consent of each and all of the sureties of such sheriff agreeing and consenting to the extension provided for in this act.

§ 2. That the sheriffs of this Commonwealth, who shall, on or before the said first day of May, 1860, pay into the treasury of this State the revenue, interest, and costs due by them respectively, shall be released from the twenty per centum damages now imposed by law against defaulting sheriffs.

Damages released upon their complying with conditions of this act.

§ 3. This act to take effect from its passage, subject to the provisos contained therein.

Approved March 2, 1860.

CHAPTER 1196.

AN ACT to provide for the sale of choses in action and judgments in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the chancery and circuit courts, in all cases now pending, or which may be hereafter commenced, wherein the settlement of any estate of an insolvent decedent, or the foreclosure of a deed of trust for the payment of debts, is sought, to decree the sale of any and all notes, bonds, bills, choses in action, and judgments, belonging to the assets of such intestate's estate, or constituting a part of the trust or assigned property, whenever it appears to the satisfaction of the court that such notes, bonds, bills, choses in action, or judgments cannot be collected in a reasonable time by the use of ordinary diligence, and when it shall also appear that such sale is necessary for the payment of debts.

Notes, bonds, bills, choses, and judgments may be sold in certain cases, by judgment of court.

§ 2. That the circuit and chancery courts of this Commonwealth shall be authorized to decree a sale of bonds, notes, or other choses in action brought into court in all cases where a discovery may now be had against insolvent debtors.

§ 3. The sales provided for in the preceding section shall be on the same terms as is or may be provided by law for the sale of other personal property, and the court may make all proper orders necessary to cause such assets sold under its order to be transferred to the purchaser or purchasers by the party holding the legal title, or by an officer of the court.

Approved March 2, 1860.

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CHAPTER 1197.

AN ACT in relation to duties of Clerks of Courts in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Execution &
return in cases
of sale of real
estate to be re-
corded in full.

§ 1. That hereafter when any real estate or any interest therein, shall be sold under execution, it shall be the duty of the clerk from whose office the execution issued, upon a return thereof, to record the execution and sheriff's return in full, in a well bound book to be kept and provided for that purpose.

When land
redeemed re-
ceipt to be re-
corded.

§ 2. When any defendant shall have redeemed his land, and taken the receipt from the purchaser, and lodged the same with the clerk of the court, to be filed with the execution under which the sale was made, it shall be the duty of the clerk from whose office the execution issued, and with whom the receipt has been lodged, to record the receipt above specified, in full, in a well bound book to be kept and provided for that purpose; and in case the original receipt should be lost or destroyed, such record, or a certified copy thereof, shall be evidence of the contents of the original; and for recording each receipt the clerk shall be allowed the sum of fifteen cents.

Such record
to be evidence
when receipt
lost or destroy-
ed.

Clerks' fee.

§ 3. This act shall be in force from its passage.

Approved March 2, 1860.

CHAPTER 1206.

AN ACT to regulate Agencies of Foreign Express Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Agencies of
foreign express
companies to
be licensed.

§ 1. That it shall not be lawful, after the first day of May, 1860, for any agent of any express company, not incorporated by the laws of this Commonwealth, to set up, establish, or carry on the business of transportation in this State, without first obtaining a license from the Auditor of Public Accounts to carry on such business.

How licensed.

§ 2. Before the Auditor shall issue such license to any agent of any company incorporated by any State of the United States, there shall be filed in his office a copy of the charter of such company, and a statement made, under oath of its president or secretary, showing its assets and liabilities, and distinctly showing the amount of its capital stock, and how the same has been paid, and of what the assets of the company consist, the amount of losses due and unpaid by said company, if any, and all other claims against said company or other indebtedness, due or not due; and such statement shall show that the company is possessed of an actual capital of at least \$150,000, either in cash or in safe

1860.

investment, exclusive of stock notes. Upon the filing of the statement above provided, and furnishing the Auditor with satisfactory evidence of such capital, it shall be his duty to issue license to such agent or agents as the company may direct to carry on the business of expressing or transportation in this State.

§ 3. Before the Auditor shall issue license to any agent of any express or transportation company incorporated by any foreign government, or any association or partnership acting under the laws of any foreign government, there shall be filed in his office a statement, setting forth the act of incorporation or charter, or the articles of association, or by-laws under which they act, and setting forth the matters required by the preceding section of this act to be specified; and satisfactory evidence shall be furnished to the Auditor that such company has on deposit in the United States, or has invested in the stock of some one or more of the United States, or in some safe dividend-paying stocks in the United States, the sum of \$150,000, which statement shall be verified by the oath of the president of such company, its general agent in the United States, or the agent applying for such license; and upon due filing of such statement, and furnishing the Auditor with satisfactory evidence of such deposit, or investment, it shall be his duty to issue such license to the agent or agents applying for the same.

§ 4. The statements required by the foregoing sections shall be renewed in each year thereafter, either in the months of January or July; and the Auditor, on being satisfied that the capital or deposit, consisting of cash securities or investments, as provided in this act, remain secure to the amount of \$150,000, shall renew such license.

To be renewed each year.

§ 5. Every agent obtaining such license, or renewal thereof, as required by this act, shall, before transacting any business of transportation or expressing in this State, file in the office of the clerk of the county court in which he or they may desire to do business for said company, a copy of the statement required to be filed with the Auditor, and a copy of the license, which shall be carefully preserved by the clerk for public inspection; and in case of a renewal, shall, in like manner, file in the office of the clerk of the county court a copy of such renewed statement and license, within thirty days after it shall be filed with the Auditor.

Copy license and statement to be filed with county court clerk.

§ 6. The statements required by the foregoing sections shall be made up to a period within six months preceding the filing of the same with the Auditor.

§ 7. If at any time, after the filing of the statements by this act required, it shall be made to appear to the Auditor that the available capital of any such company has been reduced, by misfortune or otherwise, below the sum of \$150,000, it shall be his duty to revoke the license or licenses granted to any agent or agents of such company.

How & when license to be revoked.

1860.

Penalty for
violation of
this act.

Provided.

Provide.

Fee for license

Act not to
apply to com-
panies charter-
ed by this
State, or to
companies
wholly compos-
ed of residents
of this State.

§ 8. Any person who shall set up, establish, carry on, or transact any business for any transportation or express company, not incorporated by the law of this State, without having obtained license, as by this act required, or who shall in any way violate the provisions of this act, shall be fined for every such offense not less than one hundred nor more than five hundred dollars, at the discretion of a jury, to be recovered as like fines in other cases: *Provided*, That it shall and may be lawful for any person who has a right of action that has accrued in this State against such foreign transportation or express company, to sue any such company, in any county in this State where its agent may be found: *Provided further*, That nothing contained in this act shall be construed to release said company from liability as common carriers.

§ 9. For any license issued by the Auditor under this act, and for each renewal thereof, he shall be allowed the sum of \$2 50, to be paid by the agent or company taking out such license.

§ 10. This act shall not apply to any express or transportation company wholly composed of residents of this State, or to any corporation chartered by this State, except to impose the liabilities of a common carrier; nor shall it apply to any person engaged in the ordinary business of transportation as common carrier or otherwise. This act to be in force from its passage.

Approved March 2, 1860.

CHAPTER 1213.

AN ACT to amend sub-division 6, of section 670, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-division 6, of section 670, of the Civil Code, be, and the same is hereby, so amended as to allow the plaintiff or owner, in an action to recover the value of lost baggage against common carriers, innkeepers, or wrong-doers, to testify in his own behalf as to the contents and value thereof.

§ 2. This act shall not apply to actions now pending.

Approved March 2, 1860.

Stanton's Civ.
Code Prac., p.
122.

Owner of lost
baggage ag^t
common carri-
ers, innkeep-
ers or wrong-
doers allowed
to testify in his
own behalf.

CHAPTER 1215.

1860.

AN ACT to amend the penal laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person using false brands on articles to be sold in this State, with the fraudulent intent to deceive purchasers, shall be deemed guilty of a misdemeanor and fined for each offense not less than \$200.

\$200 penalty for using false brands fraudulently.

Approved March 2, 1860.

CHAPTER 1217.

AN ACT to amend the law in relation to taxing the lands of non-residents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Auditor of Public Accounts of this State to furnish to the tax commissioner of each county in this State a list of the lands belonging to non-residents in the county of each tax commissioner, and it shall be the duty of each tax commissioner in this State to ascertain, from personal view or otherwise, the value of the land belonging to non-residents within his county, and to list the same for taxation at its value at the time it shall be so listed.

List of non-residents' lands to be furnished assessors, who shall fix the value and tax to be collected accordingly.

§ 2. It shall be the duty of the Auditor of Public Accounts to furnish the lists mentioned in the first section of this act, on or before the first day of April in each year; and it shall be the duty of the several tax commissioners to return to said Auditor lists and assessments of the value of the land of non-residents within their respective counties, on or before the first day of June in each year.

§ 3. The tax on non-residents shall be according to the value put on it by the several tax commissioners; and the Auditor of Public Accounts shall proceed to collect the taxes on the same as now required by law.

Approved March 2, 1860.

CHAPTER 1224.

AN ACT in relation to donations, devises, and gifts to the Common School Fund of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when the Auditor of Public Accounts shall be informed that any donation, gift, or devise of any real or personal estate shall have been made to the common school fund of Kentucky, it shall be the duty of the Auditor to

How donations, gifts, and devises to common school fund to be secured.

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appoint some discreet person, who shall take charge of the personal or real estate so granted, devised, or donated, and sell and dispose of the same, and pay the proceeds into the treasury of Kentucky. Before said agent, so appointed by the Auditor, shall proceed to act, he shall give a covenant, with good security, to the Commonwealth, for the faithful discharge of his duties under this act. Said covenant shall be given in the county in which the donor, grantor, or deviser shall have died, or in the county in which the property is situated. The covenant to be executed in, and approved by, the county court.

Agent to settle and pay.

§ 2. The person so appointed shall make a settlement with the county court of his county once in each year, and shall pay into the treasury the amount found in his hands after said settlement. The court shall allow said person a reasonable compensation for collecting and paying over said money, which amount said person shall retain in his hands out of the money collected.

May retain compensation in his hands.

Agent and securities liable on their bond.

§ 3. For any failure of the person so appointed to discharge the duties under this act, he and his securities shall be liable to all damages sustained, and for all money collected, with twenty per cent. damages on the amount so collected, and which he has failed to pay over. The suit on the covenant shall be in the name of the Commonwealth of Kentucky, and shall be instituted by the Commonwealth's attorney.

Power given to agent.

§ 4. The person appointed by the Auditor shall have the same power in collecting and settling the estate as an administrator or executor now has by law; may institute and defend all suits in reference to said estate, sue, and collect all notes, bonds, &c., and sell and convey the real estate by deed.

Treasure.

§ 5. The amount of money paid into the treasury under the provisions of this act, shall remain there until the same is disposed of by law; and the treasurer and his sureties shall be liable for the same, on his covenant or bond.

Former as well as subsequent donations, &c., embraced.

§ 6. This act shall apply to all gifts, donations, or devises heretofore or hereafter made to the school fund of Kentucky.

§ 7. This act shall take effect from its passage.

Approved March 3, 1860.

CHAPTER 1247.

AN ACT to amend chapter 48 of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when the safety of a lunatic, or others require it, the court may order the patient to be carried to the asy-

him immediately, without being sent for: *Provided*, That not more than one person shall be allowed pay for carrying a pauper lunatic to the asylums.

§ 2. This act to take effect from its passage.

Approved March 3, 1860.

1860.

2 Stanton's
R. S., p. 22.

CHAPTER 1249.

AN ACT amending section 12, article 8, chapter 83, of the Revised Statutes, title Revenue and Taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 12, article 8, chapter 83, of the Revised Statutes, title Revenue and Taxation, be amended so as to allow county court clerks for copying tax-book for sheriff and Auditor, for each line across the page of each copy, including the name of the person and the last number of total value, one cent and a half.

2 Stanton's
R. S., p. 221.

One and half
cents per line
allowed clerks
for copying tax
book.

§ 2. This act shall take effect from and after its passage.

Approved March 3, 1860.

CHAPTER 1257.

AN ACT to relieve the State of Gipsies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of ridding the State hereafter of the evil influences resulting from incursions of hordes of Gipsies, roaming through the Commonwealth without any fixed habitation, or honest and lawful mode of obtaining a livelihood, it shall be the duty of any county judge, justice of the peace, police judge, or mayor of any town, city, or corporation in the Commonwealth, upon complaint made by any citizen within the respective jurisdiction of such officers, to issue a warrant of arrest against such Gipsies, directed to any ministerial officer of the Commonwealth, who shall execute the same, and take the party or parties before the officer issuing such warrant, for trial.

How Gipsies
may be arrest-
ed and dealt
with.

§ 2. That upon a fair hearing of the case, if it appear to the satisfaction of the officer trying it, that the person or persons apprehended are guilty of vagrancy, and unable to show that they are engaged in some lawful and proper pursuit for the maintenance of themselves and dependants, he or they shall be convicted of an offense against the peace and dignity of this Commonwealth, and fined, each, not exceeding fifty dollars, and give good and sufficient surety for behavior in the future; and in default of pay-

1860.

ment of such fine and giving such surety, he or they shall be confined in the county jail for a period long enough to pay the fine, at the rate of two dollars per day during such confinement.

§ 3. This act to take effect from and after its passage.

Approved March 3, 1860.

CHAPTER 1259.

AN ACT to amend section 11, chapter 42, Revised Statutes, title Gaming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 11, chapter 42, of the Revised Statutes, be so amended as to read as follows, viz: If any person, by playing or betting at any game or wager at any time, shall win or lose any sum of money or other valuable or thing, he shall be fined a sum equal to half the value of what he shall so win or lose, if above twenty dollars, and if below that amount, then the sum of ten dollars.

Approved March 3, 1860.

CHAPTER 1261.

AN ACT to increase the fees of County Clerks and Sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That clerks of county courts in this Commonwealth shall be permitted to charge twenty cents for each road order, for which no fee is now allowed by law, and ten cents for each copy of the same. And that the several sheriffs of this Commonwealth be allowed to charge thirty cents for serving each order above named and summons in road cases, for which no fee is now allowed by law; to be paid by the respective counties in which the services are rendered, out of the county levy, and allowed at the court of claims as other charges against the county.

Approved March 1, 1860.

CHAPTER 1262.

AN ACT allowing compensation to Sheriffs of elections for carrying polls to the county seat.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That persons who shall, by virtue of an order of any of the county courts of this Commonwealth, hold an elec-

1 Stanton's
R. S., p. 548.
Penalty for
gaming.

Clerks and
Sheriffs allowed
additional
fees in certain
cases to be paid
out of the levy.

tion at an election precinct, shall be allowed mileage at the rate of eight cents per mile going and coming, in carrying the polls of said precinct to the county seat of the county, for the purpose of having the polls compared by the board of examiners of said county; the compensation allowed sheriffs of elections by this act to be paid out of the county levy.

§ 2. This act to take effect from and after its passage.

Approved March 3, 1860.

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Sheriffs of elections allowed mileage for carrying poll books to county seat.

CHAPTER 1276.

AN ACT to amend the charter of the Kentucky Savings Bank at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of section 1st of said act, approved February 25th, 1851, be so amended as to read "the Merchants' Bank of Kentucky."

Approved March 3, 1860.

CHAPTER 1279.

AN ACT to prevent the writing, printing, or circulating of incendiary documents in this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That if any free person write or print, or cause to be written or printed, any book or other thing, with intent to advise or incite negroes in this State to rebel or make insurrection, or inculcating resistance to the rights of property of masters in their slaves, or if he shall, with intent to aid the purposes of any such book or writing, knowingly circulate the same, he shall be confined in the penitentiary not less than one, nor more than five years.

Approved March 3, 1860.

Circulating incendiary books, writings, &c., or making them with intent to incite insurrection, &c., made felony.

CHAPTER 1280.

AN ACT in relation to Jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 11, of article 5, of chapter 55, of the Revised Statutes, entitled "Juries, Grand and Petit," be so amended that petit jurors shall receive one dollar and fifty cents for each day they shall serve as such.

§ 2. This act shall take effect from its passage.

Approved March 3, 1860.

2 Stanton R. S., p. 23.

Jurors' pay.

1860.

CHAPTER 1287.

AN ACT regulating fees for arresting runaway slaves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Compensation for arresting a runaway slave where owner resides in another State.

§ 1. That the compensation for arresting a runaway slave, where no larger amount has been offered as a reward, shall be seventy-five dollars, in all cases where the slave has fled from his owner residing in another State, and is arrested in this State.

Where owner resides in this State.

§ 2. That the compensation for arresting a runaway slave, where no larger amount has been offered as a reward, where the slave has fled from his owner, or person in possession, residing in this State, shall be as follows, viz: When the slave is arrested in the county of the owner's residence, and said county does not border on a State where slavery is not allowed, and delivered to the master, or the person from whom he or she escaped, or lodged in the jail of the county, twenty dollars; when arrested in a county bordering on a State where slavery is not allowed, and his owner, or the person from whom said slave fled, resides in said county, and delivered to the master, or the person from whom he or she escaped, or lodged in the jail of the county, fifty dollars; when arrested in a county bordering on a State where slavery is not allowed, and said slave has fled from his owner, or person in possession, not residing in a border county, and delivered to the owner, or the person from whom he or she escaped, or the jail of the county where the owner resides, one hundred dollars; when a slave is arrested in a State where slavery is not allowed, and delivered to the owner at his residence in this State, one hundred and fifty dollars; if lodged in the jail of any county in this State, whether the master or owner reside in or out of this State, one hundred and twenty-five dollars. The taker up shall have a lien on the slave taken up for the reward: *Provided*, That the jailer or keeper of the jail in which any runaway slave is confined, under any of the sections of this act, shall not deliver up said slave to the owner or his agent, until the fees or rewards offered in this act, together with the expenses of keeping the runaway, jailer's fees, and costs, are paid to him. If a jailer receives said reward, he shall be responsible upon his official bond therefor, to the person entitled thereto; and he shall be likewise responsible if he violates any of the provisions of this act.

Lien for reward.

§ 3. That all laws coming in conflict with this act are hereby repealed.

§ 4. That this act shall take effect from its passage.

Approved March 3, 1860.

CHAPTER 1288.

1860.

AN ACT to amend an act requiring the registration of Births, Marriages, and Deaths.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a Registrar of births, marriages, and deaths be appointed by the Governor, whose duty it shall be to prepare blanks suitable for the proper carrying out of the provisions of this act, and distribute them to the different counties of the State, for the use of those whose duty it may be to collect the facts herein required to be recorded. He shall send with such blanks proper instructions, showing how they are to be filled, so as to give correct returns of the facts desired to be collected.

Registrar of births, marriages and deaths to be appointed by Governor.

His duty.

2. He shall receive, from the Auditor of Public Accounts, the assessors' books pertaining to births, marriages, and deaths, and make from them tabular statements, showing, in a condensed form, the information herein required to be collected—keeping the statistics of each county separate. He shall add to this report such practical remarks as may seem to be proper, and have twenty-five hundred copies printed for general distribution. He shall send to each physician, surgeon, and midwife, who shall make the returns herein required of them, a copy of each annual report, neatly bound, at the expense of the State.

3. He shall have the assessors' books bound, by the public binder, in volumes of size suitable for reference—the births, marriages, and deaths to be bound separately, and under each head.

4. He shall attach to each volume of births, marriages, and deaths, an index, containing the name of each white person contained therein, and shall return these volumes to the Auditor of Public Accounts for careful preservation. These books shall be arranged in alphabetical order of counties: *Provided*, That whenever the clerk of any county court shall send up his copy by the Registrar so that they could not be conveniently examined after having been bound; then, and in that case, the Registrar shall have such books copied in a proper form, at the expense of the clerk who sent them.

Shall make index to vol. of births, marriages & deaths.

5. He may, from time to time, make such alterations in the forms of blanks as experience shall suggest as proper, and require such additional information as he may consider necessary to effect more perfectly the object of this act.

May alter forms of blanks

OF ASSESSORS.

§ 2. It shall be the duty of assessors, while they are taking the lists of taxable property, to ascertain, and record in lists furnished by Registrar for that purpose, all the births and deaths which shall have occurred in their respective

Assessors' duty.

1860.

counties during the twelve months ending on the thirty-first day of December preceding the time of assessment, together with all the items of time, place, &c., herein directed to be inserted in the registries. They shall make strict inquiries of all heads of families, of keepers of hotels, jails, almshouses, and hospitals, the managers of factories, or other public institutions, touching the facts herein required, and shall use the registries of physicians and midwives, in order to obtain and record correctly the information herein required.

2. It shall be lawful for the assessor, when taking the lists of births and deaths of the preceding year, to record any birth or death which may have occurred in former years, or beyond the bounds of this State; but these lists must be entirely separated from those then being regularly taken.

3. He shall return these lists of births, &c., to the clerk of the county court at the time they are now required to return their lists of taxable property. In making these returns, the assessor shall be very careful, in all cases where the number of lists will occupy more than one double page, to have the sheets sewed together in a book before any entries are made, so that there shall be no possibility of having the sheet disarranged in being bound.

OF COUNTY COURT CLERKS.

§ 3. The clerk of the county court, in each county of the Commonwealth, shall, before he issues a license authorizing any clergyman or other person to celebrate any marriage, receive from the party applying therefor a certificate, stating the time and place where the marriage is to be solemnized; the name, age, place of birth, parentage of both parties, (*i. e.* whether the parents were born in the United States or in foreign countries;) the condition (*i. e.* whether single or widowed) of each of the parties to be married.

2. He shall receive from the assessor the lists of births and deaths, and copy the same according to the directions of the State Registrar, and send the copy to the Auditor of Public Accounts, along with a list of marriages, made out from his certificates, in the form prescribed by the Registrar, on or before the first day of July (when tax lists are due) annually. He shall see that the lists of births and deaths, returned by the assessor, shall be in form proper to be readily understood when bound into volumes.

3. He shall cause the lists of births, of deaths, and of marriages to be securely stitched in pasteboard in separate volumes, convenient for reference, whenever the number of each shall have accumulated so as to form a properly sized volume, taking care that the different years be placed in regular order as to time. He shall attach to each vol-

County court clerk's duty.

What he shall do when persons obtain marriage license.

Copy lists.

Further duties of clerk.

1860.

name an alphabetical index of each name of a white person found therein. He shall carefully preserve at least one copy of each annual report in his office for convenient reference. He shall see that all blanks relating to the registration of births, &c., sent to his office by the Registrar, are properly distributed. And he shall deliver to the assessor, along with the blanks prepared for his use by the Registrar, the certificates of physicians, &c., the better to enable him to make a correct list of births and deaths. Along with his copy of the assessor's book, he shall send to the Auditor a statement of the names of each physician, surgeon, and midwife who shall have complied with the duties required of them by this act.

PHYSICIANS, SURGEONS, AND MIDWIVES.

§ 4. It shall be the duty of each physician, surgeon, and midwife, to keep a registry of all births and deaths at which he or she shall have professionally attended, showing, in case of births, the date and place of birth, the color and sex of the child, the name, if known; whether it was born alive or dead; the residence and nativity of the parents; the name and surname of the father, and the maiden name and surname of the mother, and the occupation of the father: *Provided*, That when the child is illegitimate, the name of the supposed father shall not be given: *And provided*, That in case of births of slaves, the name of the owner shall be given in place of the name, residence, and nativity of parents: *And provided further*, That when two or more physicians, surgeons, or midwives may have attended professionally at any birth, that one longest in attendance shall make the registry.

Duty of physicians, surgeons and midwives.

2. And in case of a death, showing the name, age, sex, color, condition, (*i. e.* whether single, married, or widowed,) place of birth, residence, and occupation of deceased, and the cause of death; together with the names and surname and nativity of the parents: *Provided*, That in case of death in a slave, the name of the owner shall be given in place of the name and nativity of parents, residence, condition, and occupation of deceased: *And provided further*, That when more than one physician or surgeon shall have been in attendance at the time of death, the registry shall be made by him longest in attendance.

3. The registry of each birth or death shall be filed with the clerk of the county court of the county in which it occurred, on or before the 10th day of January next succeeding.

4. The owner or keeper of every house, jail, penitentiary, factory, almshouse, hospital, steamboat, or other public institution, shall be particular to furnish to the assessor a correct list of every birth or death which may have occurred therein, with all the items herein required.

Further duties of assessors.

1860.

5. To enable the assessors to collect full and correct information touching these facts, they shall have full power to swear and interrogate any person in his county for this purpose; and it shall be the duty of all persons, with or without oath, when thereto required by the assessor, to give him, fully and truly, all the information in his power touching these facts.

Lists and
copies to be re-
ceived as evi-
dence *prima*
facie.

6. The lists of births, marriages, and deaths on file in the clerk's office, as also the copy of those lists furnished to the Auditor of Public Accounts, or a duly certified copy of the record of any birth, marriage, or death, from either of them, given and certified by the keeper of such record, shall hereafter be admitted and received in all courts in this Commonwealth as *prima facie* evidence of such birth, marriage, or death therein recorded or certified: *Provided, however*, That this section shall not apply to any birth, marriage, or death which may have occurred beyond the bounds of this Commonwealth, or in years prior to that for which lists are then being taken.

Provido.

FEES.

Salary and
fees.

§ 5. The Registrar shall receive for his services, for superintending the whole subject of registration, and for making the annual report, the sum of fifteen hundred dollars, to be paid annually upon the completion of the report. The clerks of county courts shall receive the same pay for copying the lists of births, marriages, and deaths, and transmitting them to the Auditor, as they receive for copying and forwarding the lists of taxable property. The assessor shall receive ten cents for each list faithfully recorded in the regular discharge of his duty, and ten cents for each birth or death which shall have occurred in former years, or in families then residing beyond the limits of the State. This last price shall be paid by the person at whose instance the entry is made.

2. All blanks necessary for the carrying out this law shall be furnished at the expense of the State.

Penalties.

3. Any person failing to discharge any of the duties required by this act shall, for every such failure, be fined a sum not less than ten, nor more than twenty dollars, by warrant before a justice of the peace, or by presentment by the grand jury. And it shall be the duty of the judges of all circuit courts to give this act in charge to the grand jury.

4. That chapter LXXXII, relating to registry of births, marriages, and deaths, be, and is hereby, repealed.

2 Stanton's
R. S., p. 324.

5. This law to be in force from and after its passage.

Approved March 3, 1860.

CHAPTER 1289.

1860.

AN ACT to amend the charter of the Franklin Savings Institution, changing the name thereof to the Franklin Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Franklin Savings Institution be changed to that of "The Franklin Bank of Kentucky," and under and by that name shall have, and possess, and enjoy all the rights, privileges, and immunities, provided for in the acts of incorporation, approved March 1st, 1850, and an act amendatory thereof, approved March 10, 1856.

§ 2. That the shares of stock in said Franklin Bank of Kentucky, may be consolidated from twenty-five dollars into one hundred dollars each.

§ 3. This act to take effect from its passage.

Approved March 3, 1860.

CHAPTER 1291.

AN ACT for the benefit of the Common School System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the sheriffs and other officers conducting the annual election, to be held on the first Monday in August, 1860, to open a poll in the various precincts in their respective counties, and take the sense of the qualified voters of this Commonwealth upon the propriety and expediency of imposing an additional tax of three cents on each one hundred dollars' worth of property in the State, for the purpose of increasing the common school fund of Kentucky.

Vote to be taken on increase of the school tax.

§ 2. That it shall be the duty of the several sheriffs conducting said election, to propound to each voter the question: "Are you for or against levying an additional tax of three cents on each one hundred dollars' worth of property, to increase the common school fund?" If said voter shall answer in the affirmative, it shall be the duty of the clerk of the election to record his vote in favor of levying the tax for the purposes aforesaid; if he shall answer in the negative, it shall be the duty of said clerk to record his vote against it.

Question to be propounded to voter.

§ 3. That it shall be the duty of the several sheriffs, and other returning officers, to make out a correct list of the vote required to be taken under the provisions of this act, and cause the same to be delivered to the Secretary of State; and upon a failure to do so, shall be fined in the sum of one thousand dollars, to be recovered against them as other fines are recovered under the existing laws regulating elections in this State.

Vote to be returned to the Sec'y of State.

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Secretary of
State to report
to next Legis-
lature.

Copies of this
act to be distri-
buted to the
voting places,
30 days before
the election.

Illegal voting
prohibited.

§ 4. That it shall be the duty of the Secretary of State to report to the next General Assembly, within ten days after it commences, a statement of the vote directed to be taken under the provisions of this act.

§ 5. That it shall be the duty of the Public Printer to print and deliver to the Secretary of State, fifteen copies of this act for each county in this Commonwealth; and it shall be the duty of said Secretary to forward the same to the clerk of each county court, at the same time the public laws are distributed; and said clerks are required by this act to deliver said copies to the sheriffs of their respective counties, and take a receipt therefor; and it shall be the duty of said sheriffs to put one copy of this act at the place of holding elections in each election precinct in their respective counties, at least thirty days before the election at which the vote mentioned in this act is to be taken.

§ 6. That any person other than a qualified voter of this State, who shall vote for or against the proposition in this act mentioned, shall be subject to all the fines and penalties now in force under the existing laws regulating elections.

§ 7. That such additional tax shall not be levied, unless a majority of all the qualified voters of the Commonwealth, as shown by the Auditor's report for the year 1857, shall have voted in favor thereof, at said election.

Approved March 3, 1860.

CHAPTER 1293.

AN ACT to change the times of holding the Meade Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Meade quarterly courts shall, after the 1st day of June next, commence on the first Mondays in March, June, September, and December; but nothing in this act shall relate to the March term of said court in the present year.

§ 2. This act to be in force from the first day of June next.

Approved March 3, 1860.

CHAPTER 1297.

AN ACT supplemental to an act creating the Fourteenth Judicial District.

WHEREAS, Doubts have arisen as to the power of the Governor to appoint a circuit judge for the fourteenth judicial district, as authorized by an act approved at the present session of the General Assembly; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1860.

That it shall be lawful for the circuit judges in the first and second judicial districts to appoint and hold special terms of their respective courts in any of the counties composing the said fourteenth district: *Provided*, That before such courts shall be held, the judge holding such special term shall give ten days' notice of the time and place such term is to be held. This act shall take effect from its passage.

Approved March 3, 1860.

CHAPTER 1298.

AN ACT prescribing the duties of the Managers, Trustees, &c., of the State Institutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no officer, manager, or trustee of the lunatic asylums, or of the deaf and dumb or blind institutions, or any other State institution, shall have power or authority to create any indebtedness on behalf of the State for the benefit of said institution, either by improvement or building, or by the purchase of land or other thing beyond the amount of the appropriation made each year by the Legislature.

No trustee, manager, or officer of any of the State institutions to have power to create any debt against the State.

§ 2. This act shall be in force from and after its passage.

Approved March 3, 1860.

CHAPTER 1301.

AN ACT allowing the County Court of Greenup to levy and collect an *ad valorem* tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Greenup county, at its next May term, 1860, and in 1861 at its court of claims, a majority of the justices of the peace being present and concurring therein, annually, for the succeeding two years, to levy and collect an *ad valorem* tax on the real and personal property in said county subject to taxation for State revenue purposes, sufficient to pay off and discharge the public debt of said county.

Greenup county court authorized to levy a tax to pay off her county debt.

§ 2. The sheriff or other collector of said county shall execute bond, with good security, in the county court of said county, for the faithful collection of said tax, and that he will faithfully account for and pay the same over in

Sheriff to give bond.

1860.

obedience to the orders of said court: *Provided*, That said tax shall not exceed fifteen cents on each one hundred dollars' worth of taxable property, in any one year.

§ 3. Any person injured by a breach of said bond may maintain an action therefor in the proper court having jurisdiction thereof.

§ 4. This act shall take effect from and after its passage.

Approved March 3, 1860.

CHAPTER 1304.

AN ACT concerning free negroes, mulattoes, and emancipation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No slave can be emancipated until bond is given to remove such slave beyond the limits of the State.

Nor until slave subscribe a written statement that he does forever abandon his or her residence in this State.

Proceedings on breach of covenant.

Proviso.

Compensation to Attorneys for prosecuting.

Compensation to informer.

Free negro or mulatto coming into the State guilty of felony.

§ 1. That hereafter no slave shall be deemed to be emancipated by the laws of this State, until the person emancipating such slave, or some person for him, as principal, with good and sufficient resident security, before the county court of the county of his residence, shall give a covenant to the Commonwealth, covenanting that such person shall remove such slave (naming him or her, and giving the age, color, height, and weight) beyond the limits of this State within ninety days after the approval of such covenant by said county court; nor until such slave shall subscribe a written statement, to be indorsed on such covenant, that he or she does then forever abandon his or her residence in, and will, within the time named, remove from this State, which subscription shall be attested by the clerk of such court; upon the breach of such covenant, it shall be the duty of the attorney for the Commonwealth of the district, and the attorney for such county, or either of them, to institute suit upon the same for the recovery of such damages as may be found to be due: *Provided*, That the amount of damages shall not be less than the value of such slave at the time of his or her emancipation, which damages shall be paid into the county treasury, after deducting therefrom twenty per cent. as a compensation for the attorney or attorneys by whom the suit is prosecuted, and also ten dollars to be paid to the person or persons who may have given information of the breach of the covenant.

§ 2. That hereafter, should any free negro or mulatto come into this State with the intention of remaining therein, he or she shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary for a period of not less than six years.

§ 3. That hereafter any free negro or mulatto, not a resident of Kentucky, who shall come to this State for any purpose or upon any pretense whatever, unless in obedi-

ence to the process of a court, shall likewise be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary for a period of not less than one, nor more than five years.

§ 4. That when any free negro or mulatto who may be convicted under either of the two preceding sections of this act, shall have served out one fourth of the time for which he or she was sentenced, any person, as principal, shall have the right to execute a bond to the Commonwealth, with at least one good resident security, to be approved by the Governor, conditioned that such convict will, within ten days, leave this State and never return; and thereupon it shall be the duty of the Governor to deposit such bond in the office of the Secretary of State, and cause the keeper of the penitentiary to be notified that the same has been executed; immediately upon the receipt of such notice, it shall be the duty of the keeper of the penitentiary to discharge such convict, as though the time for which he or she was sentenced had expired.

§ 5. That if any convict, who has been discharged as provided in the preceding section, shall leave the State and afterwards return, or shall fail to leave within the time prescribed, unless unavoidably prevented, he or she shall be punished by confinement in the penitentiary during life; and, in any such case, suit may be brought upon said bond in the circuit court of Franklin county, by the Attorney General, in the name of the Commonwealth, for the recovery of such damages as may be due, which damages shall in no event be less than the value of the free negro or mulatto at the time the bond was executed; the Attorney General shall receive twenty per cent. upon all amounts recovered under the provisions of this section, and the remainder shall go to the common school fund.

§ 6. That any free negro or mulatto residing in this State who shall leave the same for any purpose, or upon any pretense whatever, unless in obedience to the process of some court, and go into any State where negro slavery is prohibited by the constitution or laws, such free negro or mulatto shall be deemed to have forfeited his or her residence in this State, and shall not again return without incurring the punishment prescribed in the preceding sections of this act: *Provided*, That free negroes or mulattoes who may be employed upon steamboats and other vessels, shall not forfeit their residence by being taken by such boat or vessel into the jurisdiction of another State: *And provided further*, That it may be lawful for a citizen to obtain the order of the presiding judge of any county court in this State to permit him, her, or they to take a free negro or mulatto out of this State for a temporary purpose, without thereby said free negro or mulatto forfeiting their rights thereby.

1860.

When any convict under 2d and 3d section, shall have served out one fourth of his or her time, may be released upon bond and security to leave the State.

Penalty for breach of bond.

Compensation to Attorney General.

How free negro may forfeit residence in this State.

Proviso.

Proviso.

1860.

Free negro keeping disorderly house, or loitering about having no lawful calling for a support, to be sold.

What shall be deemed a disorderly house.

May choose a master and proceedings to be had to make him or her a slave for life.

Money to go to county purposes.

Penalty for purchasing in bad faith.

§ 7. That any free negro or mulatto, who shall keep a disorderly house, or be found loitering about, engaged in no honest calling to obtain a support, shall be deemed guilty of a misdemeanor, and upon conviction, may be sold into servitude for a period of not less than two, nor more than ten years; such sale shall be made in the same manner, and the proceeds applied in the same way, as provided in the preceding sections of this act.

§ 8. That any free negro or mulatto who shall allow other free negroes and mulattoes, or slaves, to assemble at houses occupied by them, or upon premises under their control, for the purpose of gaming, drinking, or dancing, shall be deemed guilty of keeping a disorderly house, within the meaning of the last preceding section; and shall be punished as therein provided.

§ 9. That it shall be lawful for any free negro or mulatto of the age of twenty-one years, if a male, or of eighteen years, if a female, being a resident of this State, and not under charge of violating the laws of the same, to choose a master or mistress, whom he or she will serve during life; and whenever such free negro or mulatto shall have declared such choice, in the county court of the county of his or her residence, it shall be the duty of the presiding judge of said court, to appoint three commissioners, not related to the person selected by such free negro or mulatto, to appraise such free negro and mulatto, and report their appraisement to court, and thereupon, if the person selected will pay in cash one fourth of the amount of said appraisement, together with the costs of the proceeding, the court shall make an order declaring such free negro or mulatto to be the slave, for life, of the person so chosen as master or mistress, who shall thereafter be entitled to the service, and be responsible for the conduct of said slave in all respects, as though he or she had acquired the same by purchase or descent. It shall be the duty of the judge of the court before whom the application of a free negro or mulatto to go into voluntary servitude is made, to examine said free negro or mulatto, in open court, separate and apart from the person to whom the service as a slave is offered to be made as a master, and to explain fully to said free negro or mulatto the effects thereof, and to see that said free negro or mulatto has not been improperly or fraudulently overreached by the influences of said proposed master, or others acting for his benefit.

§ 10. That the money received under the provisions of the preceding section, shall be paid into the county treasury, and expended for county purposes.

§ 11. That any person who shall be convicted of purchasing a free negro or mulatto, for the benefit of such free negro or mulatto, and not with the *bona fide* intention of making him or her a slave, such person shall be fined in any sum not exceeding five hundred dollars.

§ 12. That all laws coming in conflict with the provisions of this act, be, and the same are hereby, repealed.

§ 13. That it shall be the duty of the circuit, and equity, and criminal judges of this State, at each term of their respective courts, to give this act in charge to the grand jury.

§ 14. That this act shall take effect from and after the first day of January, 1861.

1860.

This act to be given in charge to the grand jury.

Approved March 3, 1860.

CHAPTER 1307.

AN ACT concerning Jefferson county and the Levy Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the levy, and the appropriations therefrom, shall be made by a majority of the justices in commission, residing in the county of Jefferson; and the justices residing in the city of Louisville shall have no vote thereon.

Approved March 3, 1860.

CHAPTER 1309.

AN ACT for the benefit of deaf and dumb women of this Commonwealth.

WHEREAS, It is represented to the present General Assembly that deaf and dumb females are liable to be imposed upon, and that some of them may become the mother of an illegitimate child or children, and there being no provisions in the statute law of Kentucky for the punishment of reputed fathers in such cases; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for any deaf and dumb unmarried white woman of this Commonwealth, who has or may hereafter become the mother of a bastard child or children, to go before the judge of the county court of the county where such birth may or has happened, together with some credible person or persons competent to give testimony in any court in this State, who shall first make out and swear to a written affidavit that he, she, or they are well acquainted with the mother of such bastard child, and that he, she, or they so well understand such deaf and dumb woman by signs, motions, or characters, so perfect, that he, she, or they are not liable to be mistaken.

§ 2. The person or persons going with such deaf and dumb woman may act as interpreter for her; and it shall be the duty of the judge as aforesaid, to administer an oath to the interpreter that he, she, or they will well and truly

How a deaf and dumb female may institute proceedings against the father of her bastard child.

1860.

communicate to said judge all the information that is communicated to him or her by such deaf and dumb woman, and reveal to him the name of the person that she accuses of being the father of the bastard child; whereupon the judge may administer the bastardy oath, and the interpreter shall communicate the same to the mother of the child. Any person or persons acting as interpreter, as provided for in this act, may be a competent witness on the final trial of such case or cases. Nothing in this act shall prevent either party from perpetuating testimony by interpreters: *Provided*, That all such witnesses shall be liable for perjury and false swearing, as other witnesses now are by law.

§ 3. The warrant shall be issued by the judge of the county court on application to him made, as provided for in the foregoing sections of this act, and the trial proceeded with according to the existing laws, except as herein provided for.

Approved March 3, 1860.

CHAPTER 1311.

AN ACT to amend the charter of the Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions in the original charter, and acts amendatory thereto, requiring two of the directors in the principal bank, on the part of the stockholders, to go out annually, be so modified and amended that none shall be required to go out, if the stockholders, at any annual election, shall re-elect all those that were in office the preceding year.

§ 2. That the 8th section of the original charter be so altered and amended that it shall not be necessary to have the bonds of the officers "laid monthly before the directory and an entry thereof made on record;" but that all the bonds shall be deemed valid, and subject to examination at any time by the directory.

Approved March 3, 1860.

CHAPTER 1313.

AN ACT to amend an act, entitled "An act for the benefit of persons holding lands lying back of other lands, in the vicinity of any of the navigable streams of this State," approved December 6, 1851.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the act, entitled "An act for the benefit of persons holding lands lying back of other

lands, in the vicinity of any of the navigable streams of this State," approved December 6, 1851, be so amended as to embrace any person or persons owning or occupying a stone quarry within three miles of the Ohio river, or any navigable stream in this State.

§ 2. This act shall take effect from its passage.

Approved March 3, 1860.

CHAPTER 1321.

AN ACT to amend and reduce into one the law in relation to changes of venue in criminal and civil causes in the Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when a criminal or penal prosecution is pending in any court, the judge thereof may, upon the application of the defendant, order the trial to be had in some other adjacent county to which there is no valid objection, if it appears that the defendant cannot have a fair and impartial trial in the county where the proceeding is pending.

Changes of venue in criminal cases may be had.

1. Such application must be made by petition in writing, verified by the affidavit of the defendant; and if objected to or resisted, the applicant must produce and file the affidavits of at least two other credible persons, not of kin to nor of counsel for the defendant, stating that they are acquainted with the state of public opinion in the county or counties objected to, and that they verily believe the statements of the petition for such change of venue are true; and the attorney for the Commonwealth, or, in his absence from the county, the county attorney, must have reasonable notice in writing of such application. If objections are taken and sustained to all the adjoining counties, then the change to be made to the nearest county to which there is no valid objection, giving preference to counties of the same judicial district.

How application to be made

2. The application must be made and determined upon in open court, during a regular or called term.

3. Proof may be introduced for and against the application; but the court may limit the number of witnesses on each side to seven, and witnesses may be summoned by each party to testify on the application, provided that no change of venue shall be granted if objected to or resisted, unless supported by the affidavits, as required in the first section of this bill.

Proceedings to be had on granting the change of venue.

§ 2. If the applicant is in close custody, the order for the change of venue shall be accompanied by an order for his removal by the sheriff or jailer of the county, with such sufficient guard as the judge may direct, and his delivery to the jailer of the county where the trial is to be had.

1860.

§ 3. If the applicant is under recognizance for his appearance, or if he is admitted to bail, he shall, before the order is granted, give sufficient bail for his appearance at the proper court, or be surrendered into the custody of the proper officer.

§ 4. The court or judge may also take recognizances from the witnesses for their appearance at the proper court, and make such orders as may be deemed necessary to a fair, full, and speedy trial upon the merits of the case.

Papers to be transmitted.

Copy to be retained.

Mileage to clerk.

Where one of several defendants apply.

But one change allowed the same person in the same case.

Slave.

Proceedings where affidavit applies to the judge.

§ 5. When the prosecution is so removed, the clerk of the court shall immediately transmit the original papers, together with a transcript of the record pertaining thereto, to the clerk of the court to which the removal is ordered, after making out and retaining a copy of such original papers. The transfer shall be made by the clerk, his deputy, or some discreet person for whom the clerk shall be responsible. The applicant shall pay the clerk for making such copy, and also five cents a mile for necessary travel going and returning in making such transfer, for which he may issue his fee bill as in other cases.

§ 6. If one, or some only of several defendants charged in the same indictment, apply for or be allowed the change of venue, the original indictment shall be retained and a certified copy sent, which shall serve in lieu of the original.

§ 7. The court to which the removal is so made shall have the same jurisdiction to dispose of the case as was held and had by that from which it was removed; and if the indictment be quashed or a *nolle prosequi* entered, a new indictment may be found from time to time, by a grand jury of the county to which the removal is made, and the same prosecuted until the case is finally disposed of, although the offense had been committed in that county.

§ 8. Not more than one change of venue shall be allowed to any person in the same case.

§ 9. A slave charged with felony may obtain the change of venue herein allowed, upon the application of his master, or upon the application of any one who will become responsible for the costs of removal, and make and file the affidavits before herein required.

§ 10. If a defendant to any criminal or penal prosecution, or any other proceeding in behalf of the Commonwealth, makes and files with the clerk of the court where such prosecution is pending, or before some other circuit judge, an affidavit stating that the judge of the circuit court where such prosecution is pending will not afford him a fair and impartial trial, or will not fairly and impartially decide his application for a change of venue, and the affidavit so made is accompanied with the affidavits of at least two reputable persons, not of kin nor counsel for the ap

1860.

plicant, that they believe the statements of the affidavit of the applicant are true, reasonable notice of such application being given to the Commonwealth's attorney, or, in his absence, to the county attorney of the county where such prosecution is pending, thereupon the clerk, or circuit judge before whom such affidavits are filed, shall order a change of venue in such case to the circuit court of some county in an adjoining judicial district most convenient to the parties and witnesses in the case. If the order for such change is made by the clerk of the court, it must be in term time, and he shall enter the same at length upon the records of his court, and shall not make said order until the defendant has complied with all the requirements of the third section of this act by entering into recognizance and giving bail. If the order for said change is made by a circuit judge, it shall not be effectual for the purposes of a change of venue until entered of record in the office of the clerk where said prosecution is pending, and recognizance and bail entered into as required in the third section as aforesaid; nor shall such application be made at any other time than during the term time of some one of the circuit courts in that circuit, and the Commonwealth's attorney for that district have due notice.

Application
to be in term
time.

§ 11. If a party to any civil cause, triable by a jury in a circuit or chancery court, verily believes that he cannot have a fair trial in the county where it is pending, owing to the undue influence therein of his adversary, or to the odium which attends himself or his cause of action or defense, he may, by petition in writing, verified by his affidavit, obtain an order of court, or from the judge of the court in which it is pending, for the removal of the cause to the circuit court of some adjacent county.

Civil cases.

1. The adverse party, or his attorney, must have reasonable notice, in writing, of the time and place of making the application.

Notice.

2. If made out of court, the order for removal and petition must be lodged with the clerk within five days.

3. The removal shall be to that county in the circuit, or to an adjoining county in another circuit, which shall best suit the convenience of the parties and their witnesses, in the opinion of the judge making the order, to which there is no valid objection. The affidavit of the party shall only be valid as to the county in which the action is pending; and if he makes objections to any other county, he must support his objection to such other counties by the affidavits of two or more credible, disinterested persons, not of kin to nor of counsel in the case, who must state that they are acquainted with public sentiment in the county or counties objected to, and that it is such as is stated by the applicant for the change.

To what
county case to
be removed.

How objection
to other coun-
ties may be sup-
ported.

1860.

Equitable
term.

Order void,
unless expense
paid in 10 days.

Papers, &c.,
to be transmit-
ted.

When case to
stand for trial.

By consent.

Power of court
to which cause
is removed.

One change for
the same party
in the same
case.

Party failing
to pay mileage.

Appearance
term.

Parties may
agree upon a
pro tem. judge.

4. The order may be made subject to such equitable terms and conditions as safety to the rights of the parties may seem to require and the judge in his discretion may prescribe.

5. The order shall be void, unless the party obtaining it does, within ten days, pay to the clerk a sum sufficient to cover the expense of travel in making the removal.

§ 12. Immediately on the making or receipt of the order, the clerk shall make out a transcript of the record pertaining to the cause, which, with the original papers therein, he shall, as soon as practicable, carry or send by some discreet person to the clerk of the court to which the cause is removed—the former being responsible for the conduct of the person employed.

§ 13. If the papers are transferred ten days before the first day of the next term of the court to which the cause is removed, it shall stand for trial at that term, otherwise not until the term next succeeding.

§ 14. The parties to any suit may, by consent, have an order in or out of court for its removal to any other court.

§ 15. The court to which a cause is removed shall have the same power as to its trial and final disposition as that from which it came, and no exception to the original jurisdiction of the latter shall be allowed in favor of the party obtaining the removal.

§ 16. There shall not be more than one order of removal of the same cause at the instance of the same party.

§ 17. The clerk shall be allowed five cents a mile going and returning for traveling expenses in making the removal.

§ 18. The party upon whom notice has been served of an intended application for a change of venue shall be allowed three cents a mile going and returning, if he attended, and the applicant does not make or fails in his application—which sum may be coerced by execution or attachment.

§ 19. At the appearance term of a civil suit, if a party desires a change of venue, he shall state the facts and reasons therefor on oath, which shall be good cause for a continuance, if deemed sufficient by the court, provided the application for a change of venue be made during the said term.

§ 20. If, from any cause, the judge of the court cannot properly preside in any civil action, the parties to such action may, by agreement, select some one of the attorneys practicing at that court to try the same, and thereupon the attorney so selected shall have all the power, and be sworn and subjected to the same penalties, as the regular judge; but if the parties fail to make such agreement, the judge shall order the venue in said case to be changed to the

nearest county in some adjoining circuit most convenient to the parties and their witnesses.

1860.

§ 21. If a party to any civil action shall make affidavit that he verily believes the judge of the court will not do him justice in the case, and procures the affidavits of at least two other reputable persons, not of kin to nor of counsel for the party, to the effect that they concur in the opinion of the applicant that the judge will not do him justice in the case, and files said affidavit with the clerk of the court where such action is pending, or present the same to some other circuit judge, it shall be the duty of such clerk or judge to make an order changing the venue in said action to the nearest county in some adjoining judicial district in which a speedy trial can be had. Reasonable notice in writing must be given to the adverse party of the intended application; and the preceding sections of this act, in so far as the same are applicable, shall govern in changes of venue in cases mentioned in this section.

Where objection is to the judge, venue to be changed to another district

Notice.

§ 22. In criminal or penal prosecutions, if the judge of the court where the same is pending, from having been of counsel in the prosecution or defense, or relationship to the party, or from any other cause, cannot properly preside, or declines to sit in the case, it shall be the duty of the clerk to hold an election for a special judge to try the case. The members of the bar present at the time, and not of counsel for the defendant, shall be eligible to vote at said election, and the said special judge shall be sworn and have the same power, and be subject to the same penalties, as the regular judge. If said special judge fails to act as such, or if no such election is had, the case may be continued, and the clerk of the court shall enter the fact and cause of continuance on the record, and certify a copy of the entry to the Governor of the Commonwealth, who shall forthwith assign some other circuit judge to hold a special term of said court as soon as possible, the time thereof to be fixed by such appointee for the trial of the accused; and for his services in holding said court said judge shall be allowed his expenses in going to and from the place where it is held, and ten dollars per day while there, to be paid by the Auditor, on the affidavit of said judge as to the number of days employed.

In criminal or penal prosecutions, special judge may be elected in certain cases.

If special judge fails to act, Gov. may assign some other circuit judge.

Pay to judge.

§ 23. This act to take from its passage.

Approved March 5, 1860.

1860.

CHAPTER 1325.

AN ACT supplemental to an act, entitled "An act to apportion representation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Pike and
Letcher.
Harlan and
Perry.

§ 1. That the act to apportion representation in the Senate and House of Representatives in this Commonwealth, passed at the present session of the General Assembly, be so amended as to give one member in the House of Representatives to the counties of Pike and Letcher, and one member to the counties of Harlan and Perry; and so much of said act as gives one member to Pike county, and one to Perry, Letcher, and Harlan, be, and the same is hereby, repealed.

Clinton.

15th, 18th, and
19th senatorial
districts.

§ 2. That the county of Clinton shall constitute no part of the sixteenth Senatorial district; but the same is hereby attached to the seventeenth Senatorial district, and shall vote with the counties of Wayne and Pulaski in the election of a Senator. The fifteenth Senatorial district shall be composed of the counties of Mercer, Jessamine, and Boyle. Eighteenth district, Garrard, Lincoln, and Casey. Nineteenth district, Washington, Marion, and Taylor.

Boyle.

Casey and
Russell.
Cumberland
and Clinton.

§ 3. That the county of Boyle shall have one member in the House of Representatives; Casey and Russell one; Cumberland and Clinton one, instead of Cumberland having one, Russell one, and Casey and Boyle one; and so much of said act as is in conflict herewith, is repealed.

§ 4. This act to be in force from its passage.

Approved March 5, 1860.

CHAPTER 1326.

AN ACT to establish the county of Wolfe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County of
Wolfe estab-
lished.

Boundary.

§ 1. That from and after the first day of July, 1860, so much of the counties of Morgan, Breathitt, Owsley, and Powell, as lies within the following boundary, shall be, and the same is hereby, erected into and established a separate and distinct county, to be called the county of Wolfe, viz: Beginning at the Standing Rock corner, between Owsley, Estill, and Powell counties; thence running on a straight line to the mouth of Wolf-pen Branch, where the same empties into the north fork of Red river, below Powell Roe's old farm; thence on a straight line to where the State road strikes the Morgan line, near the Latham farm, on the dry ridge; thence with the State road to where it forks on Black Water creek, near the residence of Allen Day, so as to exclude said Day; thence a straight line to the top of a point (so as to exclude Arch. Day) on the divide between Black Water and Red river; thence with said divide to the divide between Red river and Grassy creek; thence with said

1860.

divide, opposite the mouth of Gillmore creek; thence up the point, between Gillmore and Red river, to the Breathitt line; thence with the said Breathitt line to the head of Halley creek; thence a straight line to the Owsley county line, to where it crosses the north fork of said river; thence down said north fork to the mouth of the Log Shoal branch; thence a straight line to the beginning.

§ 2. The seat of justice for Wolfe county shall be, and the same is hereby, located at or near Swiftsville, (now Morgan county,) at a point to be agreed upon by the commissioners hereinafter appointed, and the name of said seat of justice shall be Campton. Dr. Clark, of Powell county, S. R. Turner, of Morgan county, William Day, of Breathitt county, and Major Hampton, of Owsley county, and Thos. Sewell, of Breathitt, a majority of whom may act, are hereby appointed commissioners to locate the seat of justice. Said commissioners shall meet at the residence of C. M. Hanks, on the first Monday in June, 1860, whence they shall proceed, if necessary to make an examination of the ground, and shall perform the duties herein assigned them, and execute and sign a written certificate of the same in duplicate—one of which duplicates shall be transmitted by them to the Secretary of State, and the other shall be deposited into the hands of S. R. Turner, who shall deliver the same to the clerk of the Wolfe county court, whose duty it shall be to record the same in his office.

Seat of justice.

Campton.

Com'rs to locate seat of justice.

§ 3. The county of Wolfe shall be divided into four districts, in each of which there shall be elected two justices of the peace and one constable, which districts shall also be election precincts. Said Dr. Clark, S. R. Turner, Major Hampton, William Day, and Thomas Sewell are appointed commissioners, who, after taking an oath faithfully to discharge their duties as such, shall lay off and designate the place of voting in each. A majority of said commissioners may act; they shall meet at the residence of C. M. Hanks, on the Wednesday after the first Monday in June, 1860; or as soon thereafter as may be convenient, and proceed to perform the duties imposed upon them by this act, and may adjourn from time to time, and place to place, until they shall complete the same. They shall lodge a certified copy of the boundaries of said districts in the hands of S. R. Turner, who shall hold the same in safe-keeping until a clerk of the county court of said county shall have been elected; and then it shall be delivered to said clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy thereof to the Secretary of State, who shall carefully preserve the same in his office; they shall also designate in each of said districts two suitable persons to act as judges, and one in each to act as clerk, and one in each to act as sheriff of the elec-

County to be divided into four justices and election districts; Commissioners to lay off.

Officers of first election.

1860.

Polls to be compared.

Officers to be commissioned.

Take oath and execute bonds when required by law.

Term of their offices.

Jurisdiction of Owsley, Morgan, Powell, and Breathitt counties.

County court to purchase public ground and cause to be erected public buildings.

tion of a circuit court clerk, a county court clerk, a sheriff, an assessor, a surveyor, a jailer, a coroner, a presiding judge of the county court, and a county attorney, also for two justices of the peace and one constable for each district for said county, which election shall be held on the first Monday in August, 1860; before entering on their duties respectively, each judge, sheriff, and clerk of the election so designated, shall take an oath faithfully to perform the duties required of them by this act; those who may act as sheriffs aforesaid shall meet at the residence of C. M. Hanks, in the county of Wolfe, on the second day after said election, and, after carefully comparing the polls, shall sign two certificates of the election, designating the name of each person having the highest number of votes, and the office to which he shall have been elected, one of which shall be lodged in the hands of S. R. Turner, who shall cause it to be recorded in the clerk's office of the county court of Wolfe county, and the other of which they shall forthwith transmit, by mail or otherwise, to the Secretary of State, where it shall be carefully preserved, whose duty it shall be forthwith to cause commissions, to be issued to those persons named in the certificate, to each for the office to which he shall have been elected.

§ 4. Each of said officers shall take an oath, and when by law required, execute bond according to existing laws in reference to similar officers, and thereupon their official acts shall be obligatory to all intents and purposes, if done in accordance with the laws of this State. They shall hold their offices respectively until the next regular election for like officers, and until their successors shall have been elected and qualified: *Provided*: That the sheriff so elected shall hold his office for the term of two years, and until his successor shall be elected and qualified.

§ 5. The counties of Morgan, Breathitt, Owsley, and Powell, before this act takes effect, shall have jurisdiction in all things, as though this act had not been passed.

§ 6. The presiding judge of the county court, and the justices of the peace of said county of Wolfe, a majority of said justices being present, shall be, and they are hereby, authorized and required to make suitable selection of lots or parcels of ground, at the place selected and determined upon for the seat of justice for said county, and purchase, or accept the same on donation, if tendered by the owner or owners thereof, for the erection of public buildings for the seat of justice for said county; and it shall be the duty of said county court to make provisions for the payment of the purchase money for said lots or parcels of ground, and cause a suitable court-house and jail, and such other public buildings as they may think proper to be erected, at the expense of said county. The means for

these public conveniences may be raised by a capitation tax on all those persons in said county subject to a capitation tax by existing laws: *Provided*, Said tax shall not exceed two dollars per head in any one year.

§ 7. That — be, and he is hereby, appointed a commissioner, with such assistants as he may deem necessary to employ, to run and mark the division line as designated in section first of this act. The county court shall have power to allow all the commissioners named in this act reasonable compensation for their services and expenditures in discharging the duties herein imposed upon them, to be paid out of the county levy of said county of Wolfe.

§ 8. Said county of Wolfe shall vote for Senator in the State Legislature with the — senatorial district, and for county Representatives with the county of Morgan, until changed by law. And the sheriff of said counties, in all such elections, shall compare the polls of said counties as prescribed by law; and until changed by law, the said county of Wolfe shall belong to the eleventh judicial district.

§ 9. The county court of said county of Wolfe shall hold its monthly sessions on the second Monday in every month, and the judge thereof shall hold his quarterly courts on the first Monday in March, June, September, and December.

§ 10. That the Secretary of State be, and he is hereby, directed to furnish to said county of Wolfe, or the officers thereof, all the public books and statutes which are now directed by law to be furnished to the public officers of this Commonwealth.

§ 11. That the county of Wolfe shall have the use of the jail of Morgan county until a jail be built in said county of Wolfe, and the jailer of Morgan county shall receive all persons committed from Wolfe county in the same manner as if committed in said Morgan county.

Approved March 5, 1860.

1860.

Tax.

Lines to be run & marked.

Pay to commissioners.

With what counties to vote for Senator & Representative.

To be part of 11th Judicial District.

County and quarterly courts.

Public books. To use the Morgan county jail.

CHAPTER 1327.

AN ACT supplemental to an act entitled "An act regulating tolls on flat-boats and other crafts on slackwater streams," approved February 5, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That nothing in the act entitled "An act regulating tolls on flat-boats and other crafts on slackwater streams," approved February 5, 1860, shall be so construed as to require the payment of tolls on flat-boats which had ascended any slackwater stream prior to the passage of said act:

1860. *Provided, That such boats shall descend within six months from the time said act was passed.*

§ 2. That this act shall take effect from and after its passage.

Approved March 5, 1860.

CHAPTER 1332.

AN ACT for the better organization of the Kentucky Militia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Militia shall be divided into three classes:

Militia divided into three classes.

1. The Active or Volunteer Militia.
2. The Enrolled Militia.
3. The Militia of the Reserve.

ARTICLE I.

Of the Militia of the Reserve.

Militia of the reserve—who compose the.

§ 1. The Militia of the Reserve shall consist of all white male persons less than eighteen and more than forty-five years of age, resident in the State, and of all other persons exempt by law from enrollment and from military service, and not members of the Active Militia.

§ 2. The Reserve shall be called into the State service only on occasions of extreme danger to the State.

ARTICLE II.

Of the Enrolled Militia.

Enrolled militia—who compose the.

§ 1. The Enrolled Militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-five years who may be citizens or residents of the State, except persons who have served not less than five years in the army or navy of the United States, persons who may be active members of the Volunteer Militia, and persons already exempt from military service by the laws of the United States or of this State.

How enrolled.

Assessor.

County court clerk.

§ 2. It shall be the duty of the assessors to prepare a list annually of all persons liable to be enrolled, living within their respective limits; and they shall annually make out a roll or list of all such names, and place it, before the first day of June, in the hands of the clerk of the county court of the county in which such persons live; and it shall be the duty of every such clerk, immediately thereafter, to record said roll or list of names in a book to be provided for that purpose, in the same manner as other books of record are provided; and such record shall be deemed a sufficient notification to all persons whose names are thus recorded that they have been enrolled in the Militia.

1860.

§ 3. That in all tax books, or forms; furnished by the Auditor, there shall be provided a column for the names of all members of the Enrolled Militia.

Names of enrolled militia to be taken.
How.

§ 4. That it shall be the duty of the clerk of every county court to transmit to the adjutant general of the State, prior to the first day of September, in every year, an annual return, stating the number of the Militia of such county that have been enrolled.

Annual return to Adj't Gen'l by clerk.

§ 5. That for the services required by this act, of the assessor and county court clerk, there shall be allowed to each of those officers the sum of one cent for each name returned by the assessor and enrolled by the clerk.

Pay to clerk and assessor.

§ 6. All county clerks, assessors, sheriffs, or other civil officers, upon whom are devolved the discharge of specific duties under this act, who shall neglect or refuse to obey the provisions of law herein specified, shall forfeit and pay not more than five hundred nor less than twenty dollars for each and every offense, to be recovered in any court of competent jurisdiction, for the use of the Commonwealth.

Penalty for neglect.

§ 7. For the purpose of organizing the Enrolled Militia, each county shall be considered a regimental district; and all existing military districts and offices therein are hereby abolished.

Regimental districts.

§ 8. At the first annual election held after the passage of this act, a colonel and lieutenant colonel shall be elected by the persons in each regimental district subject to enrollment, in the same manner, and at the same time and places, and under the same forms, that civil officers are chosen at said election; and the result of the election for such colonel and lieutenant colonel shall be certified by the board of examiners to the adjutant general of the State; and in the event of a vacancy occurring or existing in either of said offices, it shall be filled in the same manner as is above provided, at the next ensuing annual election; but the commander-in-chief shall have authority to order a special election to fill such vacancy.

Election of officers.

§ 9. It shall be the duty of the senior officer of each regimental district to sub-divide it into company and battalion districts of convenient size, not exceeding six companies to a battalion, and six battalions to a regiment, and to cause an election in their respective districts, by the persons subject to enrollment therein, of a major to command each battalion district, and of a captain, a first lieutenant, a second lieutenant, and a third lieutenant in each company district. He shall likewise cause the captains to appoint their non-commissioned officers, and the majors to choose their staff, and he shall appoint his own staff, as provided for officers of their respective grades in this act. It shall likewise be his duty to see that vacancies occurring from time to time shall be promptly filled at elections ordered by the proper officers.

Company & battalion districts.

How officers to be elected.

1860.

Term of office.

§ 10. All officers, both of the Enrolled and Active Militia, with the exception of staff officers, shall be chosen for the term of six years; and in the event of the re-election or re-appointment of an officer to the same position at the expiration of his term of office, his rank shall date from his first commission.

Staff officers.

§ 11. All staff officers and non-commissioned officers of the militia shall hold their offices at the pleasure of the officers appointing them.

Times for muster and drill.

§ 12. At 10 o'clock, A. M., on the following days in every year, the Enrolled Militia may assemble for purposes of drill and muster, armed and equipped in accordance with existing laws of this State, and of the United States:

Company.

1. For company drill and muster, at the place of residence of their commander, the first Saturday in April, and the first Saturday in July, and the first Saturday in October.

Battalion.

2. For battalion drill and muster, at the place of residence of their commander, the first Saturdays in June and September.

Regimental.

3. For regimental drill and muster, at the county seat; or if there be two county seats, then alternately at said county seats, beginning with the older of them, the last Saturday in October; but commanders of regiments, battalions, and companies may, if desirable, designate more convenient points of assembling.

Names of such as perform duty to be furnished the clerk.

§ 13. It shall be the duty of each company commander, within ten days after each muster or drill above authorized, to leave with the clerk of the county court a list of the names of all members of their respective companies who shall have attended said muster in accordance with the requirements of existing laws, particularly certifying on said list that the persons therein named appeared armed and equipped according to law; which statement shall be verified by the oath of the company commander; and battalion and regimental commanders shall make similar returns of the battalion and regimental staff.

Fines.

§ 14. On every member of the Enrolled Militia not thus returned there shall be assessed, in lieu of the military service which he owes the State, the sum of fifteen cents for each muster or drill which such person has not attended properly armed and equipped; and the aggregate of such sums due from each person shall be collected from such persons in the year next ensuing after their failure thus to attend such musters, in the same manner, and by the same means, as are provided for collecting the county levy. And all sums thus collected shall be paid into the State treasury, in the same manner as other taxes; but shall be kept as a distinct military fund, to be used and disbursed only as is hereinafter provided.

How collected.

To be paid in to the State Treasury.

§ 15. There shall be assessed on every person liable to enrollment, and collected during the present year, and paid into the treasury in like manner, and for the same purposes, as the military payments above required in lieu of service, the sum of fifteen cents; and the amount of all such taxes or fines or military dues in lieu of service, on the part of members of the Enrolled Militia, shall be included in the bond of the sheriff or collector, in the same manner as the county levy; and he shall be held responsible thereon for the collection as a distinct fund of such fines or taxes, in the same manner as he is held for the collection of the county levy; and he shall be allowed at the rate of ten per centum on the amount of such fines or taxes which he may collect.

1860.
Assessment
for the year
1860.

Sheriff re-
sponsible for
collection.

Pay for collect-
ing.

§ 16. All officers shall make such reports and returns, from time to time, as may be required in orders or regulations from the adjutant general or commander-in-chief.

Officers' re-
ports and re-
turns.

§ 17. When any portion of the Enrolled Militia or Militia of the Reserve shall be called into the service of the State in time of war or public danger, it shall be subject to the same laws, rules, and regulations that govern the Active Militia.

§ 18. Commanders of regiments of the Enrolled Militia may order annually, at any period which will not interfere with the musters appointed in this act, a drill of all the officers of the regiment, at such points as they may designate. Such drill shall not be ordered to continue more than two days; and during its continuance the laws and regulations which govern the Active Militia shall be enforced at the drill. The measure of fines assessed by courts martial ordered for the trial of offenses against discipline in the Enrolled Militia shall be based on existing laws; but shall be collected as prescribed in this act, and shall be disbursed in the same manner, and for purposes similar to those authorized in the Active Militia.

Drill of off-
cers.

Fines.

ARTICLE III.

Of the Active or Volunteer Militia—Of the Inspector General.

§ 1. In addition to the staff officers at present authorized by law, the Governor and commander-in-chief shall appoint an inspector general, with the rank of major general.

Active or
volunteer mili-
tia.
Inspector
General.
His duties.

1. The inspector general shall direct and superintend the formation and organization, and shall exercise, under the commander-in-chief, the active control and command of the Volunteer Militia.

2. He shall cause all existing volunteer companies, and all volunteer companies raised under the authority of this act, to be mustered into the service of the State; and shall thereafter organize them successively into battalions, regiments, brigades, divisions, and army corps, as their strength and the necessities of the service may require.

To organize
volunteer mili-
tia.

1860.

May order
elections.

May require
reports, ex-
amine books, ac-
counts and pa-
pers as to dis-
bursement of
military fund.

Other duties.

Auditor to
direct levy for
loss or injury to
public arms.

Inspector
General may
disband certain
corps.

Drill and in-
spect.

3. He shall have authority to issue orders for the election, on reasonable notice, of all officers; and when the good of the service requires it, he may delegate any portion of his authority to his assistants or to subordinate commanders.

4. He shall have authority to require from all officers, at any time, such reports and returns as may be necessary to inform himself of the military condition of any portion of the force under his command; and to examine also the books, accounts, and papers of officers charged with the disbursement of military funds, and to demand from such officer a strict and detailed account of all public disbursements. He shall also supervise the action of councils of administration, and restrain their appropriations within the limits prescribed by law.

5. He shall have authority to examine into the condition of the armories, arsenals, or other places of deposit or safe-keeping of the public arms; and in case of defective arrangements by any of the counties, for the preservation of the arms held by any portion of the Active Militia therein, he may require the county judge to make better provision for their safe-keeping; or he may require that they shall be surrendered to the State.

6. It shall be his duty to report to the commander-in-chief, in order that the information may reach the Auditor of Public Accounts, any loss or unnecessary damage to the public arms or property of which he may have information; and it shall thereupon be the duty of the Auditor to direct a levy of the sum which may be found due from any county for the loss or damage to the arms or other public property which may have been charged to said county.

7. He shall have authority at any time, by issuing his orders to that effect, to disband any portion of the military force under his command which may evince a mutinous or disorderly spirit, and to deprive them of their arms; a copy of which order shall be transmitted to the clerk of the county court of the county in which said force was raised, after which it shall be considered a misdemeanor in any person so discharged to appear with State arms in his possession, or as any portion of the volunteer force, until again regularly mustered into service, under the penalty of not less than ten dollars for each offense; and such person shall be proceeded against before any justice of the peace, by the attorney for the county where such person may happen to be, on information given by the inspector general, or any officer of the Volunteer Militia, or by any citizen of the county; and all fines collected from such person, shall be paid over to the county clerk, who shall pay it into the State treasury as part of the military fund.

8. It shall be his duty, when practicable, to drill and inspect in person, at least once in each year, every part of

the Volunteer Militia; and he may order such inspections at any time.

1860.

9. He shall make annually, prior to the first day of December, a return to the commander-in-chief of the strength and organization of the Volunteer Militia, and of the state of their arms and equipments, accompanied by a report showing the condition of the whole force as to instruction, discipline, and efficiency.

Annual return.

10. He shall have authority, from time to time, to make requisitions on the Auditor of Public Accounts for such stationery and books of record as may be necessary for the business of his department; and it shall be the duty of the Auditor to furnish the same when the requisition has been approved by the commander-in-chief.

Stationery.

11. He shall have authority to publish, for distribution amongst the Volunteer Militia, such general orders and regulations as may be necessary for their use and instruction; the cost of which may be rendered in his account of expenses to the Auditor, and reimbursed when approved by the commander-in-chief.

General orders for instruction.

12. He shall have authority, with the approval of the commander-in-chief, to publish, for like distribution, such blank forms and general regulations as may be necessary for the Volunteer Militia; and the Public Printer is hereby directed to furnish the same.

Blank forms.

13. He may convene courts of inquiry to investigate and examine into any matter connected with the discipline or military condition of any part of the volunteer force; and may also convene general courts martial for the trial of any offender against any of the military laws. And it shall be his duty to order the prosecution of all officers against whom he may entertain charges of incapacity, neglect of duty, embezzlement, or misapplication of public money or property, ungentlemanly or unofficerlike conduct, or any conduct to the prejudice of good order and military discipline.

May convene courts of inquiry & courts martial.

14. He may appoint, as his assistants in the discharge of his duties, the following staff officers: One assistant inspector general, who shall also be assistant adjutant general; one assistant quartermaster general, who shall also be assistant commissary general of subsistence; one assistant paymaster general, and one surgeon; each of whom shall have the rank of colonel; and two aids-de-camp, with the rank of lieutenant colonel.

His staff officers.

15. Under the authority of the commander-in-chief he shall cause to be assembled for purposes of encampment and military instruction, at suitable points, such portions of the Volunteer Militia as can be conveniently and economically brought together; and when thus assembled, it shall be his duty to assume command of said force, and

Encampments.

1860.

to direct its instruction, both theoretically and practically, according to the systems of tactics and other military instruction prescribed; but no such encampment for purposes only of instruction, in time of peace, shall be required to continue a longer period than six days for the same troops.

May employ
a clerk.

16. He shall have authority to employ a clerk, at a salary which shall not exceed one hundred dollars per annum, and which shall be paid from the State treasury, in the same manner as other salaries, on the certificate of the inspector general as to the amount of the compensation to be allowed.

Inspector
General's sal-
ary.

17. The inspector general shall receive a salary of two hundred dollars per annum, which shall be paid in the same manner as other salaries on the warrant of the Auditor. The inspector general, or any officer to whom the duties may have been properly delegated by his written orders, stating the necessity therefor, shall also be reimbursed the necessary and proper expenses incurred by him in the execution of the duties enjoined by this act. A detailed account of such expenses, accompanied by his certificate, on honor, that they were incurred in the execution of the duties of his office, shall be presented from time to time, and when approved by the commander-in-chief, shall be paid on the warrant of the Auditor, in the same manner as other claims against the treasury.

Division and
Brigade inspec-
tors.

§ 2. The division and brigade inspectors shall be under the orders of the inspector general, and shall be considered as belonging to his department.

Assistant In-
spector Gen-
eral.

§ 3. In the temporary absence of the inspector general, the assistant inspector general shall discharge his duties, under such rules and regulations as may be prescribed by the inspector general or commander-in-chief.

ARTICLE IV.

Of the Adjutant General.

Adjutant
General.
His duties.

§ 1. The adjutant general shall be the medium of military correspondence with the commander-in-chief.

§ 2. He may call for such returns from officers of the Enrolled Militia as may be necessary to obtain the information required in his office; and shall distribute to the militia such blank forms and muster rolls as are authorized and required by existing laws; and it shall be his duty to see that the offices of colonel and lieutenant colonel, in each regimental district, shall be constantly filled.

Record of
commissions.

§ 3. He shall keep records of all military commissions issued by the Governor, with the dates of the same; and shall keep in his office copies of all his official correspondence, and also a correct register of the organization, both of the Volunteer and Enrolled Militia, and shall turn over to his successor all records and papers belonging to his office.

1860.

§ 4. He shall likewise be required to discharge such additional duties as the commander-in-chief may prescribe.

§ 5. He shall have authority to employ a clerk, at a salary which shall not exceed thirty dollars per annum; and which shall be paid in the same manner as other salaries, on the certificate of the adjutant general to the Auditor as to the amount of compensation agreed upon.

Adjutant
Generals clerk.

§ 6. The adjutant general's clerk shall be required to discharge also the duties of clerk in the office of the quartermaster general, and to give such assistance in the care of the public arms and military equipments, as the commander-in-chief may direct.

ARTICLE V.

Of the Quartermaster General.

§ 1. The quartermaster general, and the subordinates of his department, shall perform also the duties of the commissariat, or all the duties which especially relate to the subsistence of the troops.

Quartermas-
ter General.

§ 2. The quartermaster general shall be especially charged with the preservation and safe-keeping of the State arms, equipments, and munitions of war, of every kind and description, and shall issue the same only in pursuance of law, on a written order from the Governor.

His duties.

§ 3. Whenever the State forces shall be called into the service of the State, for any purpose, the officers of the quartermaster's department—subject, however, to the orders of the commanding officer—shall have charge of all wagon trains and transportation of every kind, as well as of all arms, equipments, ordnance, and ordnance stores and subsistence, and shall be responsible for the safe keeping of the same until properly issued.

§ 4. The quartermaster general shall make an annual return to the Auditor, by the first day of December, of all arms and other public property in his possession, and of all that has passed from his possession, accompanied by vouchers showing from whom received, and to whom and by what authority issued, and showing particularly the condition of the property remaining on hand.

Returns to be
made to Audi-
tor.

§ 5. When any portion of the Active Militia shall be ordered to assemble, under the authority of the commander-in-chief, either for purposes of military instruction; or for service in time of war or public danger, the officers of the quartermaster's department, with the approval of the commanding officer, and subject to such restrictions as may be imposed by their commanders, and by the orders of the commander-in-chief, shall have authority to contract, in writing, for the necessary transportation of the troops to and from their rendezvous, and for their subsistence during the term of their service; the ration of subsistence being

To provide
for subsistence
of active mili-
tia while in
actual service.

1860.

computed as the equivalent of that furnished to troops in the United States service. Such contracts for transportation and subsistence, when certified by the commanding officer to have been satisfactorily carried out, and when approved by the commander-in-chief, shall be paid as other claims against the treasury on the warrant of the Auditor; but the commanding officer for the time being, or the commander-in-chief, shall have authority to terminate such contract at any time that its continuance may appear to be disadvantageous to the State; and a clause to that effect shall be inserted in every contract.

§ 6. In the absence of an officer of the quartermaster's department, the commanding officer shall either perform the duties himself, or direct another officer to discharge them.

Transportation of public arms; how paid for.

§ 7. The quartermaster general shall have authority to pay for the transportation of all arms and public stores issued to troops and received into the State arsenal from other parts of the State. His accounts for the amount of such transportation, when approved by the Governor, shall be paid on the warrant of the Auditor.

ARTICLE VI.

Of the organization of the Active or Volunteer Militia.

Active or volunteer militia, styled Kentucky State Guard.

§ 1. The Volunteer or Active Militia shall be styled the Kentucky State Guard. It shall be composed of all citizens or residents of the State over eighteen years of age who may voluntarily become active, *bona fide* members of the State Guard, and who shall sign the following agreement, or an agreement to that effect:

Agreement.

"I solemnly promise and agree that I will honestly and faithfully serve the State of Kentucky against all her enemies or opposers, and that I will do my utmost to support the constitution and laws of the United States, and of the State of Kentucky, against all violence of whatsoever kind or description; and I further declare that I will well and truly execute and obey the legal orders of all officers legally placed over me, when on duty."

§ 2. The Kentucky State Guard, in its complete organization, shall be considered as a single army corps, composed of divisions, brigades, regiments, battalions, and companies, and the necessary general officers and field and staff officers.

Company.

1. A company shall consist of a captain, a first lieutenant, a second lieutenant, a third lieutenant, an orderly sergeant, four sergeants, four corporals, a company clerk, and not less than twenty-eight, nor more than one hundred privates; and the captain may appoint occasionally lance-sergeants and lance corporals, when there may be a necessity for a greater number of non-commissioned officers.

2. Six companies shall constitute a battalion.
3. Three battalions shall constitute a regiment.
4. Three regiments shall constitute a brigade.
5. Three brigades shall constitute a division.

6. But the organization above directed for the State Guard, with the exception of the company organization, may be modified by the inspector general or commander-in-chief, according to the conveniences and necessities of the service.

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Battalion.
Regiment.
Brigade.
Division.

Of Field and General Officers.

§ 3. A major shall be elected to command each battalion.

1. He shall detail from the lieutenants of the companies of his battalion two officers to discharge the duties respectively of adjutant and paymaster, and quartermaster and commissary; and, in case of necessity, may assign all those duties to one officer.

2. He may also appoint two non-commissioned officers as the non-commissioned staff of the battalion.

3. He shall also have authority to appoint an assistant surgeon, with the rank of first lieutenant.

§ 4. A colonel and a lieutenant colonel shall be elected for each regiment.

1. The colonel shall appoint the regimental staff, to consist of an adjutant, a regimental quartermaster, a paymaster, and a surgeon, each of whom shall have the rank of captain; and the non-commissioned staff to consist of a sergeant major, a quartermaster sergeant, and color bearer.

§ 5. A brigadier general shall be elected for each brigade.

1. He shall appoint the brigade staff, to consist of a brigade inspector, who shall also discharge the duties of assistant adjutant general, a quartermaster, a paymaster, and a surgeon, each of whom shall have the rank of major; and an aid-de-camp with the rank of captain.

2. He may also appoint four staff sergeants as assistants in the offices and duties of his staff.

§ 6. A major general shall be elected for each division.

1. He shall appoint the division staff, to consist of a division inspector, who shall also discharge the duties of assistant adjutant general, a quartermaster, a paymaster, and a surgeon, each of whom shall have the rank of lieutenant colonel, and two aids-de-camp with the rank of major.

2. He may also appoint four staff sergeants as assistants in the offices and duties of his staff.

Field & general officers.
Major.

Colonel.

Brig. Gen'l.

Maj. General.

Of Mustering Volunteer Companies into the State Guard.

§ 7. Whenever an association of individuals shall desire to volunteer as a company in the State Guard, they shall first obtain the written consent of the county judge of the county in which said association has been formed; which

Volunteer companies; how to join the State Guard.

1860.

How officers
elected.

consent, together with a list of members, not less than forty, shall be forwarded to the inspector general, (or other officer who may hereafter be designated by the orders of the commander-in-chief,) who, should he be satisfied that the members are legally qualified, and will uniform themselves, shall issue an order for the election of officers, specifying the time and place of holding such election. He shall also, before the election is held, appoint three disinterested persons to receive and count the ballots in his presence, should he attend in person, or in the presence of the officer to whom he may have delegated his authority to preside at such election, and to muster the company into the State service. No officer shall be considered elected unless he receives a majority of all votes cast, which in all cases shall be by ballot; and no primary election shall be valid unless at least forty legal votes are polled. After the election of the officers authorized by this act, the officer presiding at the election shall proceed to muster the company into the State Guard by causing every member to sign and acknowledge in his presence the obligation of allegiance hereinbefore prescribed. This having been done, the mustering officer shall make a certified statement of the fact, and of the result of the election, through the proper channels of correspondence, to the adjutant general, who shall cause the commissions to be forwarded to the officers elected.

§ 8. Every person, on becoming a member of a company, after it has been mustered into the State Guard, shall be required by the commander to sign the obligation of allegiance; but his failure to sign said obligation, provided he has once done duty with the company as a member, shall not exempt him from any of the obligations imposed by this act.

Uniform.

§ 9. Every member of the State Guard shall provide himself with his proper uniform, within three months after becoming a member of the organization. His failure to do so will subject the offender to such penalties as may be inflicted by the by-laws of the organization, or by sentence of a court martial.

Sergeants,
corporals, and
company cl'ks.

§ 10. It shall be the duty of the captain, after election, to appoint the sergeants and corporals of his company, and a company clerk.

§ 11. The company clerk may receive such compensation for his services as the council of administration of the company shall allow, to be paid out of the company fund; and it shall be his duty to keep the records of the company in accordance with the orders of the commander and the requirements of the constitution and by-laws.

Of supplying Arms and Equipments to Companies of the State Guard.

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§ 12. The commanding officer of every company of the State Guard shall make a requisition on the quartermaster general for such supply of arms and equipments as may be necessary for his company, on which requisition shall be indorsed the certificate of the county judge that it is made with his consent. This requisition, accompanied by the commanding officer's receipt to the quartermaster general, shall be forwarded to the adjutant general. Should the commander-in-chief approve, he shall give an order on the back of the requisition, directing the quartermaster general to make the issue. The arms having been issued, the quartermaster general will file the receipts and requisition as vouchers to accompany his annual return to the Auditor.

Arms and equipments.

§ 13. Arms and equipments, and all military stores and equipage, issued as above provided, shall be charged by the Auditor of Public Accounts to the counties in which such military companies were organized.

Auditor's duty.

§ 14. It shall be the duty of the county judge to provide, at the cost of the county, some safe place for keeping such public arms and equipments, where they will be at all times accessible to the military companies when they may meet for purposes of military instruction.

Place for keeping public arms in each county.

§ 15. The county judge may require the officers and members of all such volunteer companies to give such bonds and security as he may deem requisite to secure the county from loss on account of the use or misapplication of such arms or equipments, or other stores.

Bonds may be required.

§ 16. The commander-in-chief shall have authority at any time to demand from the counties, or from any portion of the military force, all arms and military stores and equipments belonging to the State, and which may be in the possession of such counties or military force.

§ 17. When any arms, equipments, or military stores, which have been issued, as above provided, to any county, shall again come into the possession of the quartermaster general, it shall be his duty to forward his receipt therefor to the county clerk of said county.

§ 18. At the close of each fiscal year, it shall be the duty of the Auditor to settle the account of each county with reference to the issues which have been made in pursuance of the requirements of this act; and whenever it shall appear to his satisfaction that a county has failed to return said issues, or any part thereof, on the demand of the Governor, or that any arms or other issues have been damaged beyond the injury resulting from the necessary use of such articles issued, or that a deficiency at any time exists in the number or quantity of such arms or military stores,

Auditor to settle with each county annually.

1866.

then he shall charge the value of such missing arms and stores, and the amount of such unnecessary damage, to such county; and the amount thus found due shall, on the demand of the Auditor, be assessed as part of the county levy, and collected in such county in the same manner as ordinary taxes, and shall be paid into the State treasury as a separate fund, to be applied by the commander-in-chief to the purchase of other arms for the State.

Of Elections in the State Guard.

Who may
vote.

§ 19. Unless otherwise specially ordered, all elections shall be held at the armory, or other ordinary place of meeting of each company or other command; and field and staff and general officers may vote likewise at their ordinary headquarters, the chief staff officer at each headquarters certifying the votes; and no person who has been more than three months a member of the State Guard shall be permitted to vote, unless he appears at the polls in the proper uniform of his corps.

Hindmost
candidate to be
dropped.

§ 20. In cases where there has been a failure to elect, the persons receiving the smallest number of votes shall be successively dropped after the second ballot; and no votes which may thereafter be cast at said election for such persons shall be counted.

Vacancies.

§ 21. After the organization of companies, battalions, regiments, brigades, and divisions, their respective commanders, unless otherwise directed by superior authority, may order elections, on reasonable notice, to fill vacancies occurring in their respective commands; and in elections for company officers, every member of the company shall have the right to vote; in elections for major, every member of the battalion shall have the right to vote; in elections for colonel and lieutenant colonel, every member of the regiment shall have the right to vote; in elections for brigadier general, every member of the brigade shall have the right to vote; and in the election of major general, every member of the division shall have the right to vote; and a majority of the votes cast, subject to the regulations herein prescribed, shall be necessary to elect.

Judges of
elections.

§ 22. At all elections held after a company has been mustered into the State service, modes of procedure similar to those prescribed for the election of company officers shall be followed; but unless other judges are appointed for such elections, the three persons highest in rank of the officers and non-commissioned officers present, and who shall not be candidates at said election, shall be the judges.

Board of ex-
aminers of
polls.

§ 23. The officer ordering an election for an officer of higher grade than captain, shall designate the point to which the judges of the election at the company polls, and the chief staff officers, shall transmit the certified result of

the votes of their respective companies and headquarters, and shall appoint three disinterested persons, as a board of examiners, who, when practicable, shall be commissioned officers, to open and count the certified votes, in his presence, if he shall so require. The board of examiners shall certify the result to him in writing; whereupon, should it appear that a majority of all the votes were cast for any one candidate, the officer ordering the election shall apply for the commission of the person so elected, unless it should appear to him that the election has been vitiated by fraud or unfairness, in which case he shall annul the same and order a new election.

§ 24. Every officer, on receiving his commission, shall take the oath of office prescribed in the constitution, and, in addition thereto, the following: "And I further swear that I will well and truly execute and obey the legal orders of all officers legally placed over me, when on duty."

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Commission.

Oath.

Of Existing Volunteer Companies.

§ 25. Within ninety days after the passage of this act every existing military company which has been furnished with State arms shall conform to the requirements of this act which relate to mustering new companies into the State Guard; but it shall not be an absolute requisite that such companies shall have the full strength required for new companies, or that the members of such companies shall be eighteen years of age. The commanding officer under the present organization of such companies shall make out a statement of all arms, equipments, and public property in possession of the company and of its members, and submit the same to the county judge, who, if he deem it expedient, shall indorse on said statement that it is with his sanction that said arms and equipments are held by said company; after which indorsement the arms and equipments so described shall be charged against such county in like manner as if they had been issued as provided in cases of new companies mustered into the service under this act. The statement of arms, thus indorsed, together with the commander's report of the strength of the company, shall be transmitted to the inspector general, who shall cause the company to be mustered into the State Guard, and the election of officers to take place in the same manner as is provided for a new company.

Existing volunteer companies to conform to this act.

Public arms.

§ 26. Should any existing company fail, within the required time, to comply with the above-prescribed conditions, it shall be considered as disbanded; and it shall be the duty of the county attorney, or the Commonwealth's attorney for the district in which such disbanded company existed, on the representation of any officer of the Active Militia, to take the necessary legal steps to obtain the res-

State arms in possession of companies who do not comply.

1860.

titution of the State arms and other property which had been issued for the use of such company.

State arms
not to be used
for private pur-
poses.

§ 27. After the expiration of ninety days from the passage of this act, no person who is not a member of the Active Militia, shall retain or have in his possession, at any time, arms or military equipments belonging to the State, unless they have been properly issued to such person in pursuance of law, and he shall be permitted by proper authority to retain the same in the discharge of a public duty; and no person, whether of the Active Militia or not, shall use any public arms or equipments for his private use; under the penalty, in either of the above cases, of not less than five dollars for each offense, to be recovered before a justice of the peace, on information by the county attorney; or in the case of a member of the Active Militia, it may be recovered by sentence of a court martial.

Penalties.

§ 28. No public arms or equipments of any kind shall hereafter be issued to any person not members of the Active Militia, except in time of war, insurrection, or public danger so imminent that the commander-in-chief shall consider that the public safety requires him to make the issue.

Of Bands and Field Music.

Bands and
field music how
constituted.

§ 29. There may be raised for each company, by the voluntary engagement of such persons, two musicians; and for each battalion a band, to be composed of not more than eight musicians; which several bands, when the regiment is assembled, shall be consolidated into a regimental band under the command of the adjutant. The colonel may appoint a leader, drum-major, and principal musicians, who shall rank as sergeants. The musicians and members of the bands shall be subject to the requirements of this act, and entitled to the exemptions which it grants, to the same extent as other members of the Active Militia; and councils of administration may make reasonable appropriations from the company, battalion, and regimental funds for the payment of such members of the bands and for the hiring of other music.

Pay.

§ 30. All musicians or other persons, whether members of the Active Militia or not, who may hire their services to a military body, or to any member thereof, shall, during the term for which they were employed, be subject to the same laws and regulations that govern the military body with which they may serve.

Of Cavalry and Artillery.

§ 31. Companies of cavalry and artillery may be organized in like manner with infantry companies, and may be attached to any portion of the infantry force, or otherwise organized as may be most expedient.

Of Uniform.

1860.

§ 32. Every company, battalion, or regiment of the Active Militia, unless the commander-in-chief shall prescribe a uniform, shall adopt a uniform for itself, which will be subject, however, to the approval of the inspector general; and no uniform which is not thus approved shall be worn when on duty.

Uniform.

§ 33. Unless the commander-in-chief shall otherwise direct, the uniform of all general officers and their staff, and of all other officers who may not be required to wear the distinctive uniform of their regiment or corps, shall be similar to that of corresponding grades and corps in the United States army, but with modifications adapting it to State troops.

§ 34. The commander-in-chief, on military duty, will ordinarily wear the uniform of a lieutenant general.

Of troops in the State Service.

§ 35. Whenever any portion of the Active Militia shall be ordered to assemble, for purposes of military instruction, under the authority of the commander-in-chief; or whenever any part of the State forces shall be ordered to assemble under his authority in time of war, invasion, insurrection, or public danger, the rules and articles of war, and the general regulations for the government of the army of the United States, so far as they are applicable, and with such modifications as the commander-in-chief may prescribe, shall be considered in force and regarded as part of this act, during the continuance of such instruction, and to the close of such state of war, invasion, insurrection, or public danger; but no punishment under such rules and articles, which shall extend to the taking of life, shall in any case be inflicted, except in time of actual war, invasion, or insurrection declared by proclamation of the Governor to exist.

Troops in service; how governed.

§ 36. Whenever any portion of the militia shall be called into the service of the State by the commander-in-chief, in time of war, invasion, insurrection, or public danger, they shall be entitled to pay at the same rates in every respect as the corresponding grades may at the time be entitled to in the United States army.

Pay.

System of Instruction.

§ 37. The Kentucky State Guard shall be considered as composed essentially of light troops; and the systems of instruction in tactics prescribed for such troops in the United States army, shall be at all times followed in this organization. All other systems are forbidden; and every officer who fails to qualify himself within a reasonable time for

Tactics U. S. Army to be followed.

1860.

the duties of his position as an instructor of those under his command, shall be dismissed by sentence of a court martial for incapacity.

All commanders to attend to instructing their commands.

§ 38. It shall be the duty of all commanders to see that their entire commands are properly instructed in the prescribed drill and discipline; and to this end they shall order officers' drills, and schools of instruction, and superintend the same; and either give instruction themselves, or require some well instructed officer to do so under their directions. They shall likewise frequently superintend the instruction of the companies at their armories or other places of meeting.

Four company parades, and twelve drills each year.

§ 39. Commanders of companies shall cause their companies to parade not less than four times in each year. They shall, in addition thereto, order such company drills as may be proper, which shall be not less than twelve drills per annum.

Battalion & regimental drills.

§ 40. Commanders of battalions and regiments, when their commands, or any considerable portion of them, are in the same county, shall have not less than six battalion drills in each year.

Encampments.

§ 41. Brigade and division commanders may order encampments, not to exceed three days in each year, for the same troops.

§ 42. All military ceremonies shall conform to the rules and regulations in the United States army.

Of Disbursing Officers.

Defaulting officers—how proceeded against.

§ 43. Any officer of the militia charged with the disbursement or safe-keeping of public money, or of any of the funds authorized to be created by this act, who shall not render to the proper authorities a satisfactory account of such money, or shall fail to pay over to his successor such sum or sums as may be in his hands, or as he may have failed satisfactorily to account for, shall be proceeded against as is provided in cases of fines by courts martial; and the proceedings of the council of administration shall be taken as evidence in the case.

Embezzlers guilty of felony.

§ 44. Any officer of the militia who shall embezzle or misapply public money, or military funds, or public arms, or other property intrusted to his care, shall be deemed guilty of felony.

Constitution and By-Laws.

§ 45. Each company, battalion, and regiment may adopt a constitution and by-laws for its own government, which shall be obligatory on its own members, after the same shall have been approved by the commander-in-chief; and fines assessed under the said constitution and by-laws may be collected before a justice of the peace, as provided in cases of courts martial.

Of Exemptions.

1860.

§ 46. The commanding officer of every company shall, during the month of December, in every year, and at such other times as may be required, furnish the clerk of every court of record in the county, with a list of the names of the active members of his company, which list shall be verified by his certificate, on honor, that the persons whose names are thus furnished are *bona fide* members, and attend regularly to their appropriate duties in the company. The commander or the chief staff officer at all headquarters shall make similar returns for their respective headquarters. All such persons, so long as they shall continue active members of the Volunteer Militia, shall be exempt from all jury duty, fire duty, and from working on all public roads; and any person who can show that he served two full terms of five years each, in the Active Militia, and has been honorably discharged therefrom, may have his name recorded as perpetually exempt thereafter from the civic duties above named.

Who may be
exempt from
jury service,
fire duty and
working roads.

§ 47. In consideration of the exemptions above granted, the commander-in-chief shall have authority, in all cases of war, insurrection, invasion, or public danger, to call first the Active Militia into the State service; and it shall be his duty so to do, unless the danger should be so imminent as to require the aid successively of the Enrolled Militia and the Militia of the Reserve.

Of General Staff Corps.

§ 48. Whenever the necessities of the service may demand it, the commander-in-chief may appoint on his own staff, and direct the appointment on the staff of his subordinates, of the proper number of officers corresponding with the organization of the general staff corps of the United States army.

Of Encampments.

§ 49. Every commanding officer of a military encampment, or of a military parade, drill, or review, is hereby authorized to ascertain and fix necessary bounds and limits to his parade and drill grounds, (not including any road on which people travel, so as to prevent their passing,) within which no spectator shall have a right to enter without leave from such commanding officer; and in case any person shall intrude within such limits after being once forbidden, he may be confined under guard during the continuance of said drill, review, or encampment, or for a shorter time, at the discretion of the commanding officer; and any person who so offends, or who shall resist any sentry or member of the guard who attempts to put him out of such limits, or to keep him out of the same, may be arrested by order of such commanding officer, using such force as may be

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necessary for that purpose, and carried before some court or magistrate or justice of the peace, to be examined or tried for such assault or disturbance and breach of the peace, upon complaint thereof; and it shall be the duty of such civil officer, on the showing of such fact, to deal with such offender as in cases of breach of the peace.

ARTICLE VII.

*Of Troops called out by Civil Authorities.*How called
out.

§ 1. Whenever there shall be in any city, town, or county, any tumult, riot, mob, or any body of men acting together by force with intent to commit any felony, or misdemeanor, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or any such tumult, riot, or mob shall be threatened, and the fact be made to appear to the commander-in-chief, or to the mayor of any city, or to any court of record sitting in said city, or county, or to any judge thereof, or to any judge of the Court of Appeals, or to the sheriff of said county, the commander-in-chief may issue his order, or such mayor, court, judge, or sheriff may, in writing, direct the senior or other military officers convenient to the scene of disturbance to turn out such portion of his or their command as may be necessary to quell, suppress, or prevent such tumult or threatened tumult; and any officer or member of the military who shall fail promptly to obey such orders and directions of said civil officers, shall be subjected to such fines as a court martial shall inflict, and if an officer, shall be cashiered.

§ 2. Whenever it becomes necessary, in order to sustain the supremacy of the law, that the troops should fire upon a mob, the civil officer calling out such troops, (in the exercise of a sound discretion) shall give the order to fire to the superior officer present, whenever it can be done, who will at once proceed to carry out the order, and shall direct the firing to cease only when ordered to do so by the proper civil authority.

§ 3. No officer who has been called out to sustain the civil authorities shall, under any pretence, or in compliance with any order, fire blank cartridges on a mob, under penalty of being cashiered by sentence of a court martial.

ARTICLE VIII.

Of the Military Fund.

§ 1. The military fund accruing from payments into the treasury of money collected in lieu of military service, and from other sources authorized in this act, shall be disbursed from time to time by the authority of the Governor, and is hereby appropriated for the following purposes only:

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To what purposes to be applied.

1. To supply the place of money paid in pursuance of the requirements of this act from the State treasury on account of the expense attending the administration, organization, instruction, transportation, and subsistence of the Active Militia; but this will not include the salaries of the adjutant general, the quartermaster general, or of their clerks.

2. In the purchase or manufacture of camp equipage, arms, and military stores, and equipments of every kind necessary for the Active Militia, and for the general defense of the State; and also in the purchase or publication of books of tactics, treatises on military law, and courts martial, and regulations of the United States army.

3. In the construction of arsenals and other places of deposit for the public arms and military stores.

ARTICLE IX.

Of Courts Martial.

§ 1. There shall be four classes of courts martial.

1. Company commanders shall have power to appoint courts martial for their respective companies. Such courts shall consist of three members and a recorder, who, unless otherwise especially directed, shall be the company clerk. At least one member shall be a commissioned officer, but the remaining members may be taken from the sergeants. The authority of company courts martial shall extend only to breaches of discipline in the administration of the company, both under the requirements of the general service and the company by-laws, on the part of the non-commissioned officers, the musicians, and the rank and file of the company for which said court may have been appointed. They may inflict fines not to exceed ten dollars, reduce non-commissioned officers to the ranks, and expel a member.

Company courts martial.

2. Battalion commanders shall have power to appoint courts martial for their respective commands. Such courts shall consist of not more than five nor less than three commissioned officers and a recorder, who shall also be a commissioned officer. Battalion courts martial shall take cognizance of all breaches of discipline and good order, of all violations of the general regulations and orders for the government of the military forces of the State, and of all infractions of the battalion by-laws, committed by the officers, the non-commissioned officers, the musicians, or the rank and file of their respective battalions. They shall have power to impose fines not to exceed twenty dollars, to expel musicians and the rank and file from their companies, to reduce non-commissioned officers to the ranks, and to expel them from the service, to suspend officers from rank and command, and to cashier them; but no sentence

Battalion courts martial.

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of a battalion court martial cashiering an officer shall be carried into effect until it shall have been approved by the regimental commander.

Regimental
courts martial.

3. Regimental commanders shall have power to appoint courts martial for their respective regiments. Regimental courts martial shall consist of not more than seven, nor less than three commissioned officers and a judge advocate, who shall be a commissioned officer. They shall take cognizance of all violations of the general regulations and orders for the government of the military forces of the State, of all breaches of discipline and good order, and of all infractions of the regimental by-laws, committed by the officers, the non-commissioned officers, the musicians, or the rank and file of their respective regiments. They shall have power to impose fines, not to exceed thirty dollars, to expel musicians and the rank and file from their companies, to reduce non-commissioned officers to the ranks, and to expel them from the service, to suspend officers from rank and command, and to cashier them; but no sentence of a regimental court martial cashiering an officer shall be carried into effect until it shall have been approved by the brigade commander.

General
courts martial.

4. Commanders of brigades, divisions, and army corps, shall have power to appoint general courts martial for their respective commands. General courts martial shall consist of not more than thirteen, nor less than five commissioned officers, and a judge advocate, who shall be a commissioned officer. They shall take cognizance of all breaches of discipline and good order, and of all violations of the general regulations and orders for the government of the military forces of the State, committed by the officers, the non-commissioned officers, the musicians, or the rank and file of the command for which the court may be appointed. They shall have power to impose fines not to exceed fifty dollars, to expel musicians and the rank and file from their companies, to reduce non-commissioned officers to the ranks, and to expel them from the service, to suspend officers from rank and command, and to cashier them; but no sentence of a general court martial cashiering an officer shall be carried into effect until it shall have been approved by the inspector general. And only general courts martial shall have power to take cognizance of capital cases.

§ 2. The proceedings of general courts martial shall be assimilated to the forms and modes of procedure directed for like courts, by the "Rules and Articles of War," and the general regulations for the government of the armies of the United States; and the proceedings of regimental, battalion, and company courts martial, shall be conformed to the modes of procedure practiced in regimental and garrison courts martial in the armies of the United States.

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§ 3. The senior officer on the detail, and present at the trial, shall preside over the deliberations of the court. He shall announce all decisions of the court, and preserve good order and decorum during its sittings.

§ 4. All persons connected with the military service are required to treat courts martial with respect, and in default of such respectful consideration may be proceeded against by arrest and trial. Non-military persons are equally required to behave with respect and decorum toward courts martial, and to commit no disorder or disturbance in their presence; and for any such disorderly conduct or disturbance they may be proceeded against before the nearest justice of the peace as for ordinary breaches of the peace or misdemeanors.

§ 5. It shall be the duty of every judge advocate or recorder to keep a faithful record of the proceedings of his court, to enter thereon the order appointing the court; the names of the members present; the response of the accused, when asked, if he objects to any member of the court; a copy of the charges and specifications against the accused, and his plea to each specification and charge; a brief synopsis of the evidence of each witness for the prosecution and defense; and, finally, the finding and sentence of the court in full, which proceedings shall be signed by the president and attested by the judge advocate or recorder, and transmitted without delay by the latter to the officer, ordering the court. The judge advocate or recorder of every court martial shall have the same power to summon all witnesses required, either for the prosecution or defense, as by existing laws the president of a court martial has; and any person so summoned, and failing to attend, shall be dealt with as under existing laws. Judge advocates shall receive the same compensation for their services, and witnesses summoned by them shall receive the same compensation for their attendance before courts martial, as is allowed by the laws now in force in this Commonwealth.

Record to be kept.

§ 6. Before the arraignment of the accused the judge advocate or recorder will administer the following oath or affirmation to the members, (which oath or affirmation will be taken by the members standing, with their right hands raised: "You, A. B., C. D., &c., (the judge advocate or recorder addressing each member, with his title, by name,) do solemnly swear that you will well and truly try and determine, according to evidence, the cause now before you, between the State of Kentucky and the accused, and that you will render justice according to the 'Rules and Articles of War' and the laws of this State for the government of its military force, without partiality, favor, or affection; and should any doubt arise not explained by said rules and articles or laws, then according to the best

Members of the court to take oath.

1860.

of your understandings and the customs of the service in like cases; and you do further swear that you will not divulge the sentence of the court, nor the votes or opinion of any particular member, unless required to give evidence thereof in a court of justice in due course of law. So help you God."

Judge Advocate's oath.

§ 7. The court having been sworn by the judge advocate or recorder, the following oath or affirmation will be administered by the president to him: "You, E. F., do solemnly swear that you will well and impartially discharge the duties of judge advocate or recorder, in the case to be tried, as well to the State as to the accused, and you do further swear that you will not disclose the sentence of the court, except to the authority ordering the same, nor will you discover the votes or opinion of any particular member, unless required to give evidence thereof before a court of justice in due course of law. So help you God."

Witnesses' oath.

§ 8. The judge advocate or recorder shall administer the following oath or affirmation to every witness who may give evidence before a court martial or court of inquiry: "You, A. B., do solemnly swear that the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

§ 9. The members of a court martial or court of inquiry shall assemble, when practicable, in full dress uniform, and deliberate seated, the president at the head of a table, with the members on his right and left hand according to rank: on each side of the table the senior officers nearest to the president. The judge advocate or recorder will be seated opposite the president.

Proceedings to be transmitted to officer ordering the court.

§ 10. The proceedings of a court martial shall be transmitted by the judge advocate or recorder, without delay, to the officer ordering the same, or to his successor in command, who may confirm, disapprove, commute, or remit the sentence, and as soon thereafter as possible shall issue his orders thereon, and file the proceedings in his office.

How accused to be dealt with during trial.

§ 11. No officer, non-commissioned officer, musician, or private, shall be tried except on written charges and specifications of a nature sufficiently comprehensive to embrace all the matters of accusation; and the president of the court will place all officers and non-commissioned officers in arrest, and musicians and privates in confinement, if the same has not been previously done, before they are put on trial.

§ 12. All commanding officers, whether of companies, battalions, regiments, brigades, divisions, or army corps, shall have power to place in arrest any officer or non-commissioned officer, and to order into confinement any musician or private, who may be under their command; and persons

1860.

in arrest or confinement will not bear arms during the continuance of such arrest or confinement. In extreme cases, such as mutinous conduct, gross and willful violation of orders, and any other instances involving seriously the discipline of the command, non-commissioned officers may be placed under guard in like manner as the musicians and privates.

§ 13. Officers cashiered by sentence of a court martial shall be precluded thereby from again volunteering into the military service of the State, except the sentence be remitted by the commander-in-chief.

Cashiered officers.

§ 14. All fines inflicted by legally constituted courts martial shall be, and the same are hereby, made collectable by law.

Fines.

§ 15. Any person failing to pay over any fines assessed against him by the sentence of a legally constituted court martial, shall be proceeded against for the same as for ordinary debt before a justice of the peace, and the record of the proceedings of the court shall be taken as evidence in the case; judgment having been obtained, shall be collected as in ordinary cases. It shall be the duty of the judge advocate or recorder of the court assessing the fine, to prosecute for the collection of the same; but in case it is not practicable for the judge advocate or recorder, to perform this duty, it shall be the duty of the commander of the corps to which the accused belongs to detail an officer especially to prosecute.

How collected.

§ 16. The judge advocate, recorder, or other officer detailed to perform such duty, having collected the fine assessed by a court martial, shall pay over the same to the treasurer or paymaster of the company, battalion, regiment, brigade, division, or army corps, for which said court shall have been appointed, and take his receipt for the same, which receipt shall be filed with the proceedings. Fines thus collected shall go into, and constitute part of, the fund of the company, battalion, regiment, brigade, division, or army corps, whose treasurer or paymaster shall have received the same.

To pay over same.

§ 17. The general principles and spirit of the military laws and regulations for the government of the armies of the United States, when not in conflict with the express provisions of this act, or the constitution of the State of Kentucky, shall be the guide of commanding officers and courts martial.

§ 18. No want of mere form, or absence of a simple technicality, shall vitiate the proceedings of a court martial.

ARTICLE X.

Of Courts of Inquiry.

§ 1. All general officers and regimental and battalion commanders shall have power to appoint courts of inquiry for their respective commands.

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How consti-
tuted.Members'
oath.Recorder's
oath.

President.

Record to be
transmitted
without delay.

§ 2. Courts of inquiry shall consist of three commissioned officers and a recorder, who shall be a commissioned officer.

§ 3. The recorder of a court of inquiry shall administer the following oath or affirmation to the members: "You, A. B., C. D., &c., (naming them separately, with their proper titles,) do solemnly swear that you will well and truly examine and inquire, according to the evidence, in the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

§ 4. After which the recorder shall take the following oath or affirmation, to be administered by the president of the court: "You, A. B., do solemnly swear that you will, according to the best of your ability, accurately and impartially record the proceedings of the court and the evidence to be given in the matter now in hearing. So help you God."

§ 5. The senior member on the detail shall be the president of a court of inquiry. The powers of courts of inquiry, and their modes of procedure, shall be assimilated to like courts in the armies of the United States. The recorder of a court of inquiry shall have like power as the judge advocate or recorder of a court martial to summon the witnesses necessary to the elucidation of all matters submitted to the consideration of the court. He shall receive the same compensation for his services, as also witnesses for their attendance before a court of inquiry, as is allowed in like cases relating to courts martial.

§ 6. The record of the proceedings of a court of inquiry shall be signed by the president, and attested by the recorder, and by the latter transmitted, without delay, to the officer ordering the court, or his successor in command, who shall announce the action of the court in orders. And the records of the proceedings of courts of inquiry may be used as evidence before courts martial when oral testimony cannot be had. They shall be filed in the archives of the headquarters of the officers ordering such courts.

ARTICLE XI.

Of Councils of Administration and of Special Funds.

§ 1. The commanding officer of every company, battalion, regiment, brigade, division, or army corps, shall convene a council of administration at least twice in every year, or oftener if he deem it necessary.

How to pre-
ceed.

§ 2. Councils of administration shall consist of the three officers next in rank to the commanding officer; or if there be but two, then the next two; if but one, the one next; and if there be no other than himself, then he shall act.

§ 3. The junior member shall record the proceedings of the council in a book, and submit the same to the commanding officer. If he disapprove the proceedings, and

the council, after a re-consideration, adhere to its decision, a copy of the whole shall be sent by the commanding officer to the next higher commander, whose decision shall be final, and entered in the council book, and the whole be published in orders for the information and government of all concerned. The proceedings of councils of administration shall be signed by the senior member and the recorder; and the recorder of each meeting, after entering the whole proceedings, together with the final order thereon, shall deposit the book with the commanding officer. In like manner the approval or disapproval of the officer ordering the council will be signed with his own hand.

§ 4. Councils of administration shall audit and settle the accounts of the treasurers of the corps or troops for which said councils shall be appointed, and pass specific resolves for all expenditures of the funds of said corps or troops.

§ 5. All fines assessed by company courts martial, and all fines and forfeitures collected under the by-laws, shall go to, and constitute the company funds of the respective companies; and such funds shall be expended only for objects connected strictly with the promotion of the discipline, instruction, and military efficiency of the company to which the fund appertains. The purchase of camp equipage and of subsistence, when the latter may be needed in periods of company instruction and encampment, and the hiring of transportation and music, on such occasions, will be legitimate objects of expenditure of a company fund. But no expenditure will be made except on warrants drawn by the company commander, based on specific resolves of the council of administration. The company clerk shall receive and disburse all moneys belonging to the company fund. He shall render an account of the fund to the company commander on the last day of April, August, and December of each year. He shall not be excused from his ordinary company duties by reason of performing the duties of company treasurer.

What they
are required to
do.

§ 6. All fines assessed by battalion courts martial, and all fines and forfeitures collected under the by-laws of battalions, shall go to and constitute the battalion funds of the respective battalions; and such funds shall only be expended for objects connected strictly with the promotion of the discipline, instruction, and military efficiency of the battalion to which the fund may appertain. The purchase of a battalion color, which shall be of the pattern prescribed by the commander-in-chief, the procuring of subsistence during periods of separate battalion encampment and instruction, and the hiring of transportation and music on such occasions, will constitute legitimate objects of expenditure of a battalion fund. But no expenditure will be made except on warrants drawn by the battalion com-

Battalion fund.

1860. commander, based on specific resolves of the council of administration.

§ 7. Every battalion paymaster shall receive and disburse all moneys pertaining to the fund of his battalion. He shall render an account of the fund to the battalion commander on the last day of April, August, and December of each year. He shall not be excused from any other duty pertaining to his office on account of performing the duty assigned him in this section.

Regimental
fund.

§ 8. All the fines assessed by regimental courts martial, and all the fines and forfeitures collected under the regimental by-laws, shall go to and constitute the regimental funds of the respective regiments; and such funds shall only be expended for purposes connected strictly with the promotion of the discipline, military efficiency, and instruction of the regiment to which the fund may appertain. The purchase of camp equipage and a regimental color, which shall be of the pattern prescribed by this act, the procuring of subsistence during periods of separate regimental instruction and encampment, and the hiring of transportation and music on such occasions, will constitute legitimate objects of expenditure of a regimental fund. But no expenditure will be made except on warrants drawn by the regimental commander, based on specific resolves of the council of administration. Every regimental paymaster shall receive and disburse all moneys belonging to the fund of his regiment; and shall render an account of the fund to the regimental commander on the last day of April, August, and December of each year. Performing the duty assigned in this section shall not excuse a regimental paymaster from the performance of any other duty that may appertain to his office.

Brigade and
division fund.

§ 9. All the fines assessed by brigade, division, and army corps courts martial shall go to and constitute the fund of the brigade, division, or army corps for which said courts may have been appointed. Said funds shall only be expended for objects connected strictly with the promotion of the discipline, instruction, and military efficiency of the troops to which said fund may appertain; but no expenditure shall be made except on warrants drawn by the commander of the troops to which the fund belongs, based on specific resolves of the council of administration. The purchase of camp equipage, the procuring of subsistence for periods of encampment and instruction, and the hiring of transportation and music for such occasions, will constitute legitimate objects of expenditure of these funds. The paymaster of each brigade, division, and army corps shall receive and disburse all moneys appertaining to the fund of his corps, and shall render an account of the same to the commander of his corps on the last day of April, August,

and December of each year. Performing the duty assigned in this section shall not excuse any paymaster from performing any other duty appertaining to his office.

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Of Resignations, Dismissals, and Discharges.

§ 1. Any officer commissioned by the Governor, and desiring to resign his commission, shall express his desire in writing, and transmit the same to the commander-in-chief, through his immediate commanding officer, who will indorse thereon his recommendation in the case; and the resignation shall go into effect when accepted by the commander-in-chief, and not before.

§ 2. No commissioned officer, except staff officers, shall be dismissed from the service except by the sentence of a legally constituted court martial, rendered after a fair trial, and approved in the manner prescribed in the portion of this act organizing courts martial.

§ 3. No non-commissioned officer, musician, or private, expelled from the service, or discharged for any disgraceful cause, shall be permitted to enter the volunteer service again, except the sentence be remitted by the commander-in-chief.

§ 4. No officer inferior in grade to regimental commanders shall have power to grant discharges to non-commissioned officers, musicians, or privates. Discharges shall be given in writing, setting forth fully the cause of discharge, and signed by the officer granting the same.

Of Leaves of Absence.

§ 5. When any portion of the volunteer force may be called into actual service, or assembled for instruction, parades, or encampment, only commanding officers shall have power to grant leaves of absence, the length of such leaves to be determined by such regulations as may be promulgated by the commander-in-chief.

Of Colors.

§ 6. Colors shall be of two kinds, battalion and regimental.

1. Each battalion shall be provided with a color of the pattern prescribed by the commander-in-chief, on which shall be inscribed the number of the regiment and battalion. It shall be paid for out of the battalion fund.

Battalion.

2. Each regiment shall be provided with a color, which shall be that of the United States, with the arms of the State of Kentucky and the number of the regiment painted or embroidered thereon, to be paid for out of the regimental fund.

Regimental.

§ 7. Whenever a battalion acts separately, the battalion color alone will be displayed; but whenever two or more battalions of a regiment assemble, the regimental color alone will be displayed.

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ARTICLE XII.

Miscellaneous.

§ 1. Any officer of any portion of the staff, or any separate commander, shall have authority to administer oaths to military persons when such may be necessary under this act; and the same penalties shall attach to false swearing in such cases as are now provided by law in cases of perjury.

§ 2. The commander-in-chief may, from time to time, make and publish rules and regulations for the government of the militia, in accordance with the requirements and with the spirit of this act.

§ 3. A citizen holding a commission in the United States army is not thereby disqualified from holding office in the militia of this State.

Company name

§ 4. Every company or its organization may adopt a distinctive name; but it shall be known by a particular number in the battalion and letter in the regiment to which it belongs.

§ 5. No person shall be a member of two companies at the same time.

Removals beyond bounds of company.

§ 6. Any officer who removes beyond the limits of his company, or other command, shall be considered as having resigned; and every member of a company who removes beyond the limits of the county shall be considered as having been discharged.

Minor's taxes and dues—how to be paid.

§ 7. In cases of military taxes and fines assessed and charged against a minor, whether in the Enrolled or Active Militia, the parent or guardian of such minor shall be held to pay.

Next in rank to command.

§ 8. In the absence of an appropriate commander or other officer, the next in rank in the same command and corps shall succeed to his authority.

§ 9. Should there be no commissioned officer present with a company, the battalion or other commander shall have authority to assign an officer to command until some officer is elected to the place.

§ 10. Every senior in his appropriate command shall have authority to control the actions of his junior in accordance with the principles of military subordination under the laws and usages that govern the United States army.

§ 11. In all cases not herein otherwise directed, the duties, both of the staff and of commanders, and other officers and members of the Active Militia, shall be made to conform as nearly as possible to the duties of the corresponding positions in the United States service.

§ 12. When bodies of troops meet on duty, the officer highest in rank in the line of command shall command the whole.

§ 13. When officers are of the same grade, the officer holding a commission of the oldest date shall command; and if of the same date, their relative rank shall be determined by lot.

1860.

How rank to be determined.

§ 14. All officers of the Active Militia shall have the right to command all officers of the same grade in the Enrolled or Reserve Militia, notwithstanding their commissions may be of later date.

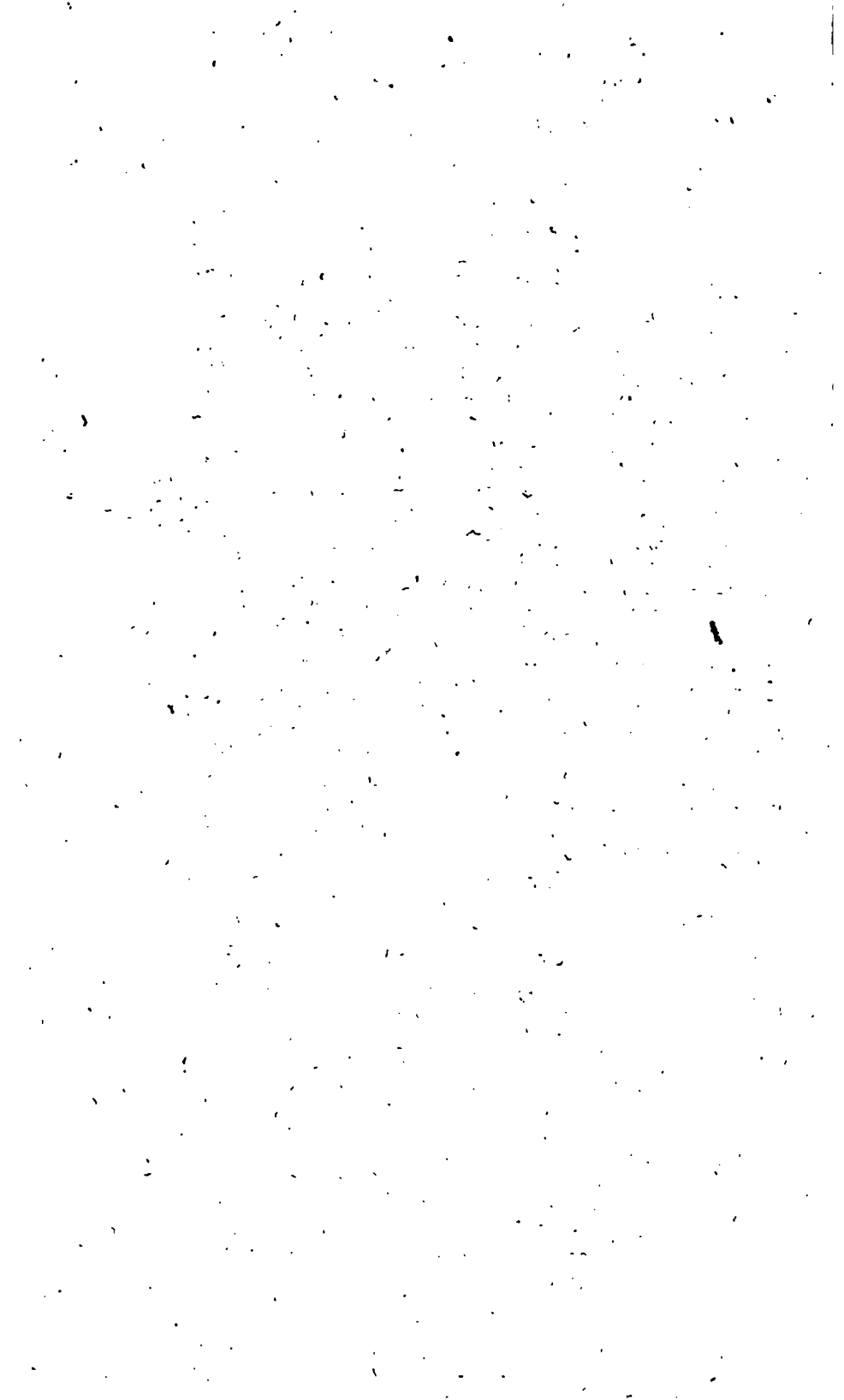
§ 15. The commander-in-chief may at any time select any one of the general officers, without regard to his rank, to command the Active Militia; and the commander of the Active Militia, under the authority of the commander-in-chief, shall command the entire force of every kind which may at any time be in the service of the State.

§ 16. There is hereby appropriated the sum of five hundred dollars, from any money in the treasury not otherwise appropriated, which may be expended by the Governor in the purchase of Hardee's Infantry Tactics and the other systems of tactics for light troops in the United States army, and also in the purchase of the Regulations for the Army of the United States, and treatises on military law and courts martial; which books shall be distributed, as the property of the State, under proper regulations, by the inspector general.

Military tactics; books to be purchased and distributed.

§ 17. All parts of existing military laws which conflict with this act are hereby repealed.

Approved March 5, 1860.



RESOLUTIONS.

No. 1.

RESOLUTION relating to the election of United States Senator.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That they will proceed on Monday, the 12th day of December, 1859, at 12 o'clock, M., by joint ballot, to the election of a Senator of the United States for the State of Kentucky from and after the 4th of March, 1861.

Approved December 10, 1859.

No. 2.

RESOLUTION respecting the election of Public Printer and State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That on Wednesday next, December the 14th, at 12 o'clock, an election, on joint ballot, shall be held for Public Printer and State Librarian.

Approved December 14, 1859.

No. 3.

RESOLUTION referring the Governor's message, so far as it relates to the boundary line between Kentucky and Tennessee, to a joint committee.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That so much of the Governor's message as refers to the running of the boundary line between the States of Kentucky and Tennessee, together with the report of the commissioners appointed to accomplish that work, be referred to a joint select committee of the House and Senate, consisting of five members from the House, and three from the Senate.

Approved December 14, 1859.

1859.

No. 4.

RESOLUTION appointing a committee to visit, &c., the Asylum at Lexington, and the Deaf and Dumb Asylum at Danville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of three from the Senate and three from the House of Representatives be appointed to visit the Lunatic Asylum at Lexington, with powers to inquire into and report upon its management, fiscal condition, and all other matters relating to said Institution; and that said committee also visit and examine into the condition and management of the Deaf and Dumb Asylum at Danville, and report to the General Assembly during its present session.

Approved December 16, 1859

No 5.

RESOLUTION relating to treaties for the surrender of fugitives from labor.

WHEREAS, The citizens of Kentucky have been for a series of years, and are still subjected to an annual loss involving hundreds of thousands of dollars, by the escape from this State of persons held to service or labor in the State; under the constitution and laws of the United States, and under the constitution and laws of the State of Kentucky, into the British possessions of North America: And whereas, No treaty exists between the government of Great Britain and the United States for the reclamation and extradition of persons so escaping from labor or service; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators in Congress be instructed, and our Representatives requested, strongly to urge upon the treaty-making power of the government of the United States the necessity of so amending the tenth section of our treaty with Great Britain in regard to fugitives from justice, which was ratified in London, on the 13th day of October, 1842, by the British minister and American envoy respectively, so as to include in its provisions fugitives from service or labor, so held under the constitution and laws of the United States, or of either of the States.

Resolved, That the Governor of this Commonwealth be requested to forward, under his official seal, a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and a like copy to the President of the United States.

Approved December 19, 1859.

No. 6.

1860.

RESOLUTION for adjournment.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That when the two Houses of the General Assembly adjourn on the 23d day of this month, they will adjourn to meet on the 4th day of January next thereafter

Approved December 19, 1859.

No. 7.

RESOLUTION to correct appropriation to the Eastern Lunatic Asylum.

WHEREAS, By the general appropriation act passed at the last session of the General Assembly, there was by said act appropriated for the support of the Eastern Lunatic Asylum for two years, from the 3d of December, 1857, the sum of twenty-nine thousand two hundred and fifty dollars per annum; or so much thereof as may be actually necessary, payable semi-annually in advance; and whereas, said bill was, by mistake, enrolled so as to show that only twenty-five thousand two hundred and fifty dollars were appropriated, and it appearing by the report of the commissioners of said Eastern Lunatic Asylum that the whole of said appropriation is needed for the support of the said asylum; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts draw his order on the treasury for the sum of eight thousand dollars, in favor of the chairman of the board of commissioners of said Eastern Lunatic Asylum.

Approved January 4, 1860.

No. 8.

RESOLUTION to appoint a committee to visit the Kentucky Institute for the Blind.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That this House appoint a committee of three, to act with a committee of two on the part of the Senate, to visit the Kentucky Institute for the Blind.

Approved January 5, 1860.

1860.

No. 9.

RESOLUTION to fire salutes

Resolved by the General Assembly of the Commonwealth of Kentucky:

That His Excellency, the Governor of Kentucky, be requested to order salutes to be fired on the 9th of January, instant, (the 8th falling on Sunday,) in honor of the glorious victory achieved at New Orleans by the American army under General Andrew Jackson, over that of the British, on the 8th day of January, 1815; also, on the 22d of February, in honor of the birth-day of General George Washington, "the Father of his Country;" and, also, on the 23d of February, in honor of the thirteenth anniversary of the glorious victory of the United States forces, under General Taylor, over that of the Mexican, at Buena Vista, in which the Kentucky troops bore an honorable and conspicuous part.

Approved January 10, 1860.

No. 10.

RESOLUTION appointing committee to visit Blind Asylum, at Louisville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of two from the Senate, and three from the House of Representatives, be appointed to visit, examine into, and report the condition of the Asylum for the Education of the Blind.

Approved January 12, 1860.

No. 11.

RESOLUTION appointing committee to visit Banks.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the committee on Banks of the Senate, in conjunction with such committee as the House of Representatives shall appoint, be directed to visit in person the Bank of Kentucky, and the Bank of Louisville, at Louisville, the Northern Bank of Kentucky, at Lexington, and the Farmers' Bank, at Frankfort, if in the discharge of their duty they deem it necessary to visit the same, or any of them.

Approved January 13, 1860.

RESOLUTIONS.

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No. 12.

1860.

RESOLUTION authorizing the Auditor to settle with Ben. Selby, late clerk of the Senate.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to settle with Ben. Selby, late Secretary of the Senate, at ten dollars per day, commencing on the 5th day of December, 1859, and ending on the 10th day of January, 1860; and to issue his warrant on the Treasurer for the amount due said Selby, to be paid out of any moneys not otherwise appropriated.

Approved January 16, 1860.

No. 13.

RESOLUTION for appropriation for removing remains of John Spratt to Frankfort Cemetery.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the treasury, in favor of Harrison Brown, for the sum of forty dollars, to be expended in removing to the Frankfort cemetery the remains of John Spratt, a soldier in the Mexican war, and interring the same in the public grounds therein.

Approved January 17, 1860.

No. 14.

RESOLUTION to publish Message, Addresses, and Resolutions relating to Hon. Linn Boyd.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the message of the Governor, communicating the sad intelligence of the death of the Hon. Linn Boyd, Lieutenant Governor of Kentucky, with the full addresses delivered on the occasion, and resolutions thereupon adopted by the two Houses, shall be compiled and reported, by a joint committee of the members who delivered the addresses, for a perpetual record; and that five hundred copies thereof be printed for distribution among the people.

Approved January 17, 1860.

1860.

No. 15.

RESOLUTION making appropriation to Clay Monument Association.

WHEREAS, The citizens of this Commonwealth, recognizing it as one of the highest and most sacred duties of an enlightened and republican people to attest their devotion to the great principle of free government, and to the cause of national and individual happiness and prosperity, by appropriately honoring the memories of the illustrious dead, whose lives were dedicated to the study and application of those principles and the service of that cause, have commenced and nearly completed the erection of a suitable monument in commemoration of the private character and patriotic public services of the republican orator and statesman, Henry Clay: And whereas, The State has heretofore appropriated the sum of ten thousand dollars to aid in the advancement of this noble work, and it being now represented to this present General Assembly that an additional appropriation of ten thousand dollars, together with such sums as may be reasonably expected from private contribution, will enable those having charge of the work to complete the same; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of ten thousand dollars be, and the same is hereby, appropriated to the Clay Monument Association, to be expended by said association in the prosecution of the work upon the monument now being erected at Lexington to the memory of Henry Clay; and said sum shall be paid immediately after the passage of this resolution, out of any money in the treasury not otherwise appropriated.

Approved January 23, 1860.

No. 16.

RESOLUTION to appoint committee to investigate into and report upon certain Internal Improvements.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of the House of Representatives and the Senate, consisting of three, from the House and two from the Senate, be appointed to investigate the present condition of the navigation of the Kentucky, Green, and Barren rivers, the condition of the locks and dams on said rivers, and report to the General Assembly. That they also inquire into and report the financial condition of said rivers; whether they are a charge upon the State; if so, when they became so; and what probable amount it

will be necessary for the State to appropriate to keep said rivers navigable. Also, to inquire into and report as to the power of the President of the Board of Internal Improvement, under existing law, to repair and keep up the locks and dams on said rivers; and his power to draw from the treasury of the State money for the purposes of keeping said locks and dams in repair, and said rivers navigable.

1860.

Approved January 30, 1860.

No. 17.

RESOLUTIONS accepting invitation to Louisville, and of Capt. Z. Shirley.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the invitation so courteously extended to the members of this General Assembly by the corporate authorities of Louisville, to visit that city on the 24th day of this month, be accepted, and that the Hon. David Meriwether, Speaker of this House, be appointed to act with such persons as shall be named by the Senate, appropriately to make known this acceptance.

Resolved, That the General Assembly also accept the invitation of Capt. Z. Shirley, President of the Louisville and Cincinnati Mail Line, to accompany the members and officers of the Legislature of the State of Tennessee on an excursion on the boats of said line.

Resolved, That when this General Assembly adjourns on the 23d day of this month, it will adjourn to meet on the 27th day of this month, at 12 o'clock, M.

Approved February 2, 1860.

No. 18.

RESOLUTION for final adjournment of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky, (two thirds of all the members elected concurring:) That the present session of the General Assembly be continued until and including the 24th day of February, 1860.

Approved February 2, 1860.

1860.

No. 19.

RESOLUTION authorizing the Governor to procure and present the surviving officers and soldiers of the Kentucky Volunteers in the battle on Lake Erie with a gold medal.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth be, and he is hereby, authorized and directed to procure suitable gold medals, with appropriate inscriptions and devices, and in the name of the State of Kentucky, to present to each of the surviving officers and soldiers of the Kentucky volunteers who were present and participated in the memorable engagement between the American and British naval forces on Lake Erie, on the 10th of September, 1813, as a token of the grateful recollection in which the people of the State hold their brave and patriotic services on that day, and the imperishable renown which that brilliant victory achieved for their common country.

Approved February 11, 1860.

No. 20.

RESOLUTION to authorize the Enrolling Committees to employ clerks.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the remainder of this session of the Legislature the standing committees of enrollments of the Senate and House of Representatives be, and they are hereby, authorized to employ for each committee a clerk.

Approved February 20, 1860.

No. 21.

RESOLUTION in reference to ceding to Tennessee certain territory of this State.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a select joint committee of five members from the House, to be appointed by the chair, with such number as the Senate may appoint in addition thereto, be raised to investigate and report upon the proposition made by the State of Tennessee to cede to her certain lands contiguous to the boundary line.

Approved February 22, 1860.

RESOLUTIONS.

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No. 22.

1860.

RESOLUTION to extend session to second of March.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the session of the Legislature be extended to Friday, the 2d of March; and that the same do not adjourn *sine die* on the 24th inst, as fixed by law; but on the 2d of March, 1860.

Approved February 24, 1860.

No. 23.

RESOLUTIONS in reference to the enlargement of the Louisville and Portland Canal.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the commercial interests of the Mississippi valley imperatively demand an enlargement and improvement of the Louisville and Portland canal; and that the money already invested in said canal by the United States government will prove of little public benefit, unless the work should be enlarged and extended.

Resolved further, That the Senators and Representatives from Kentucky in the Congress of the United States are earnestly requested to procure an appropriation by said Congress, adequate to the exigency of the case, and to adopt such measures as will insure a speedy enlargement and completion of said canal.

Resolved, That the Governor of this Commonwealth be instructed to forward a copy of these resolutions to the Senators and Representatives from Kentucky in the Congress of the United States.

Approved March 1, 1860.

No. 24.

RESOLUTION relating to Appropriation Bill.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act for the appropriation of money," approved March 1, 1860, shall take effect from and after its passage.

Approved March 1, 1860

1860.

No. 25.

RESOLUTION in reference to per diem and mileage due N. A. Rapier.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the treasury in favor of Nicholas A. Rapier for his per diem and mileage as a member of the Legislature for 1859-60.

Approved March 1, 1860.

No. 26.

RESOLUTION on final adjournment of both Houses of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the present session of the General Assembly be extended to and until Monday, the 5th day of March, 1860, at 12 o'clock, M.: *Provided*, That no bills shall be introduced or acted upon after the 2d of March, 1860.

Approved March 2, 1860.

No. 27.

RESOLUTION authorizing the Governor to graze the public grounds.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Librarian shall allow the use and grazing of the yard around the capitol to the Governor of this Commonwealth: *Provided*, That it shall not be used in any way that may damage the yard.

Approved March 2, 1860.

No. 28.

RESOLUTIONS in relation to duty on tobacco.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That tobacco, one of the great American staples, has, for more than fifty years, been the subject of the most burthen-some taxation; that whilst there is a tariff of thirty per cent. protection on sugar, and cotton is admitted in all the ports of the world duty free, and breadstuffs, and beef, pork, and lard are subject to the payment of only a nominal duty, tobacco, the great western staple, is subject to a

foreign duty, before it can be sold in the principal foreign markets, of seventy-seven dollars per one hundred pounds.

Resolved, That the Federal Government has the power to fix the details of commercial treaties, upon the principle of reciprocity and mutual expected benefit; and that such treaties have now become the policy of all civilized nations, our own included; and while every other product of this country has been placed upon the most favorable footing, tobacco has been wholly neglected, and this great interest has been left to languish at home, and feed and clothe and pamper princes and nobles abroad.

Resolved, It is the duty of the United States, in all future treaties with Great Britain and other foreign powers, where American tobacco is sold, to insist upon placing tobacco upon a footing with other productions exported from the United States to foreign countries.

Resolved, That if all other means fail, then we demand countervailing duties upon the productions and manufactures of those governments, who have filled their exchequers, supported their royalty, by exactions wrung from American labor.

Resolved, That our Senators are instructed, and our Representatives are requested, to urge the adoption, by the Congress of the United States, of such measures as will accomplish the object herein contemplated; and that the Governor be directed to transmit each of them a copy of these resolutions.

Approved March 2, 1860.

No. 29.

RESOLUTION relating to the late Board of Internal Improvement.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of two be appointed by the speakers of the Senate and House of Representatives, whose duty it shall be, within sixty days from the close of this session, to have a settlement with the late Board of Internal Improvement, at the office of said board in the city of Frankfort, who shall report the same to the Governor, to be filed in the office of the Secretary of State; and that the Auditor shall draw his warrant on the Treasurer, in favor of the members of said committee who may attend for the purpose herein specified, for mileage and per diem whilst thus engaged, the same as is allowed by law to members of the General Assembly. That two hundred copies of said settlement and report be printed and furnished to the Senators and Representatives of the present General Assembly.

Approved March 2, 1860.

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No. 30.

RESOLUTION concerning Enrolling Clerks.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be directed to draw his warrant upon the treasury in favor of John J. Roberts, for his services in assisting the committee on Enrollments in examining bills, at the rate of two dollars per day, from the 17th day of February, 1860, to the end of the session; and that he likewise draw his warrant in favor of Isaac Wingate, for the same sum for the same length of time; and this shall be in addition to their present salaries. This resolution to take effect from its passage.

Approved March 2, 1860.

No. 31.

RESOLUTION in favor of D. R. Haggard.

WHEREAS, D. R. Haggard, late President of the Board of Internal Improvement, has necessarily been detained, in the duties of his office, until this day; wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized, in settling with said Haggard as President aforesaid, to allow him the regular salary from his last settlement to this date—January 19th, 1860.

Approved March 2, 1860.

No. 32.

RESOLUTION to place Head and Foot Stones to graves of Colonels McKee and Clay, Captain Willis, and Adjutant Vaughan.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this State shall cause to be placed suitable head and foot stones to the graves of Col. W. R. McKee, Lieut. Col. H. Clay, Capt. W. T. Willis, and E. M. Vaughan, adjutant of the first regiment of Kentucky cavalry, who fell in defense of their country's flag at the battle of Buena Vista, and whose remains are in the State cemetery; and that the Auditor of Public Accounts draw his warrant on the treasury in favor of the person employed by the Governor to put up said head and foot stones, when the Governor shall certify to the Auditor the amount due such person.

Approved March 2, 1860.

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RESOLUTION making appropriation to remove the remains of Ellison Williams.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasurer, in favor of John W. Menzies, for the sum of ninety dollars, to be expended in removing the remains of Ellison Williams, late of Kenton county, and re-interring the same near those of Daniel Boone, in the cemetery at Frankfort.

Approved March 2, 1860.

No. 34.

RESOLUTIONS returning thanks to Mayors and authorities of Louisville and Lexington.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the cordial thanks of this Legislature are hereby tendered to the mayor, municipal authorities, and citizens of Louisville; to the mayor and municipal authorities, and citizens of Lexington; to Captain Z. Shirley, president of the Louisville and Cincinnati packet line; to the president, directors, and officers of the Louisville and Lexington railroad, and to the president, directors, and officers of the Covington and Lexington railroad, for their generous hospitality and kind attention to the officers and members of the two Houses of the Legislature, when upon their recent excursion.

Be it further resolved, That the presiding officers of the Senate and House of Representatives be requested to communicate the foregoing resolutions to the persons therein named.

Approved March 2, 1860.

No. 35.

RESOLUTIONS memorializing Congress in reference to the pensioning the soldiers of the war of 1812.

WHEREAS, In our beloved State there yet remains a number of the patriotic band who risked their lives, their health, and all that earth could make dear to them; sacrificed the pleasures of domestic life, and left the embrace of their families and friends, and went forth in the defense of their common country in the memorable war of 1812, and many of them ever since, and now are, laboring under severe

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bodily pain and infirmities from wounds received while in the service of the United States during said war, and from disease contracted by the exposure and fatigue incident to camp life and service, and in consequence thereof are reduced to penury and want; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators be instructed, and our Representatives in Congress be requested, to use all honorable means in their power to procure the passage by Congress of an act granting pensions to all the soldiers engaged in the war of 1812.

Resolved, That our Senators be instructed, and our Representatives in Congress be requested, to use all honorable means in their power to procure a change in the present unequal distribution of land warrants among heirs of deceased soldiers, so that the heirs of volunteers who served in the war of 1812, and were killed in defending their country, shall be entitled to draw the land warrant or warrants his ancestors would draw, if now living, in like manner and under the same circumstances, as the heirs of those who served in Mexico are now entitled to receive warrants.

Resolved, That Kentucky remembers with gratitude and pride the services of the many thousands of her sons during the war of 1812, and will use all proper means to save them from want in their declining years.

Resolved, That the defense of all free governments rests mainly on the militia; therefore, it is the duty of the government to encourage the militia, and decrease the enormous amount of money annually expended for the regular army.

Resolved, That the Governor of this State be, and he is hereby, instructed and requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved March 2, 1860.

No. 36.

RESOLUTION responding to invitation to visit New York.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor and Legislature of New York are entitled to receive, and we hereby tender to them, our warmest thanks for the kind invitation which they have so generously extended to us to visit Albany and enjoy the hospitalities of their powerful and prosperous State; and

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that, while we are constrained, by the urgent demands of important public duties at home, to deny ourselves the pleasure of a meeting and fraternal interchange of opinion with them, we but reflect the unanimous sentiment of the people whom we represent, when we declare that the Empire State can rely with the most implicit confidence upon the sympathy and cordial co-operation of Kentucky in all her efforts to promote the cultivation of an amicable and conciliatory spirit among the several States of the confederacy. Kentucky has no ambition which is not bounded by the Union as the constitution has defined it—no prejudice which she is willing to gratify at the expense of its peace and harmony—no hopes that could be realized by its dissolution; and, as an earnest of her devotion to it, she pledges for its maintenance all the strength and energies of a brave and patriotic people.

Resolved, That the Governor of this Commonwealth be requested to communicate a copy of the foregoing resolution to the Governor of New York, with the request that he will lay the same before the Legislature of that State.

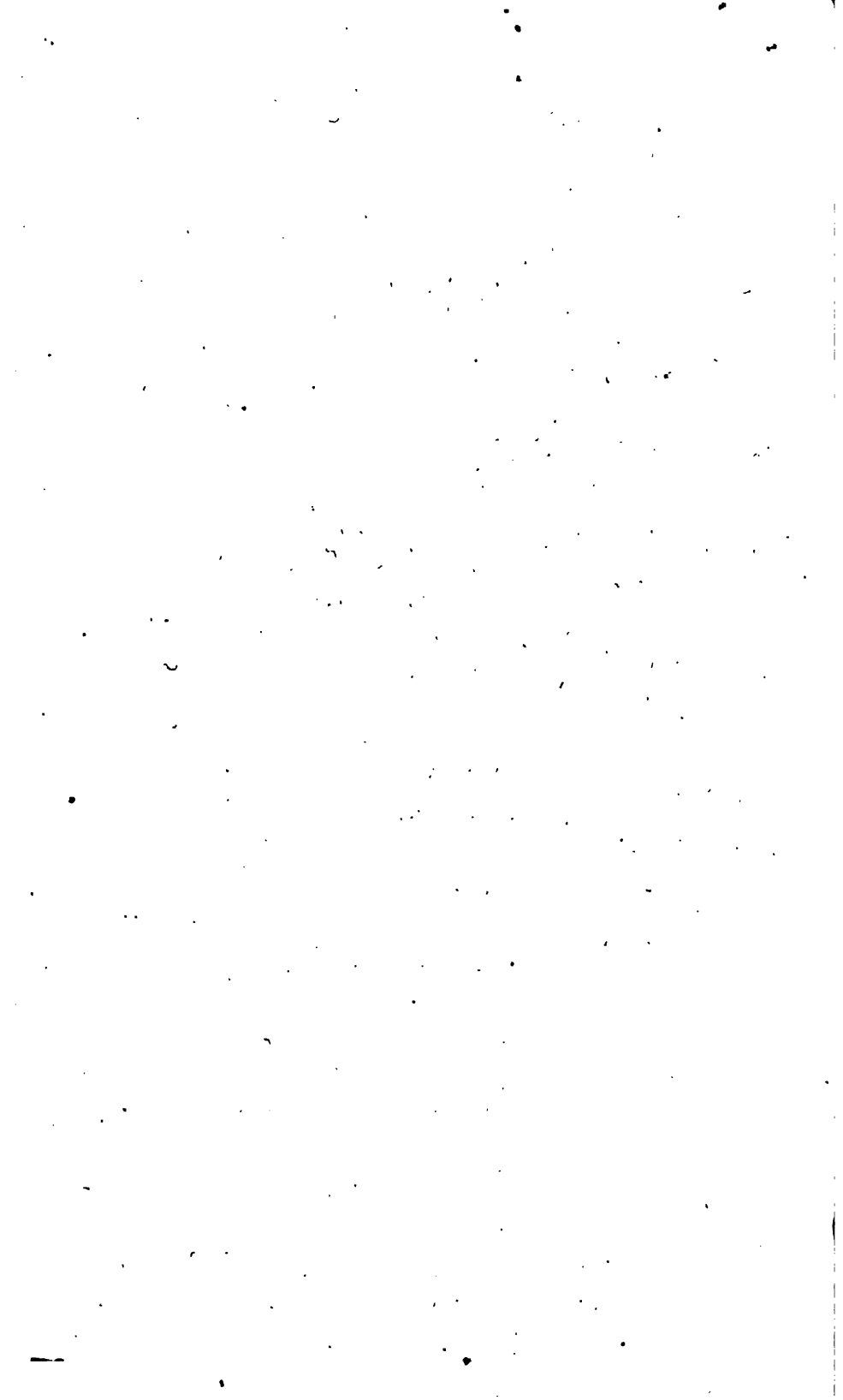
Approved March 2, 1860.

No. 37.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer forward to each member of the Legislature the back numbers of the Journals, together with the index thereto, as soon as the same can be made out and completed.

Approved March 3, 1860.



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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT, ON MONDAY, THE 5TH DAY OF DE-
CEMBER, 1859, AND ENDED MONDAY, MARCH 5TH, 1860.

BERIAH MAGOFFIN, *Governor.*

THOS. P. PORTER, *Speaker of the Senate.*

DAVID MERIWETHER, *Speaker of the House of Reps.*

THOS. B. MONROE, JR., *Secretary of State.*

CHAPTER 3.

AN ACT for the benefit of John W. Haws, Stephen J. England, and Robert Eastham.

THAT WHEREAS, It is satisfactorily shown that J. W. Haws, sheriff of Lawrence county, has paid the sum of \$59 25, and S. J. England has paid the sum of \$28 20, to jurors summoned from Carter county to attend the circuit court in Lawrence county at its October term in 1859, in the case of the Commonwealth against Gabriel Endicott, charged with murder; and that instead of the same being paid by the trustee of the jury fund of Lawrence county, the claims were certified to the Auditor of Public Accounts for payment; he not being authorized by law to pay the same; for remedy whereof—

1859.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Haws, sheriff of Lawrence county, be allowed fifty-nine and dollars twenty-five cents, and S. J. England.

1859. England twenty-eight dollars and twenty cents, for that amount paid by them to jurors summoned from Carter county in the case of the Commonwealth against Gabriel Endicott, charged with murder, and that the Auditor of Public Accounts issue his warrant on the treasury for the same.

§ 2. That Robert Eastham, late sheriff of Lawrence county, be allowed thirty dollars, for his services in summoning jurors from the county of Carter for two terms of the Lawrence circuit court, in the case of the Commonwealth against Gabriel Endicott, charged with murder; and that the Auditor of Public Accounts issue his warrant on the Treasurer for the same.

DAVID MERIWETHER,

Speaker of the House of Representatives.

THOMAS P. PORTER,

Speaker of the Senate.

Approved December 16, 1859.

B. MAGOFFIN.

By the Governor:

THOS. B. MONROE, JR., *Secretary of State.*

CHAPTER 4.

AN ACT to change the place of voting in Indian Creek precinct, in Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the place of voting in the county of Owsley, known as the Indian Creek precinct, be removed from Isaac H. Gabbart's, its present place of voting, to the top of the mountain at a spring under a cliff, on the road leading from said Isaac H. Gabbart's to Willis Gabbart's, on Buffalo creek, and that all elections in said district hereafter shall be held at said place, until otherwise provided by law.

Approved December 19, 1859.

CHAPTER 5.

AN ACT to amend an act, entitled "An act to incorporate the German Gymnastic Association of Newport."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of an act, entitled "An act to incorporate the German Gymnastic Association of Newport," approved February 6, 1858, as is embraced in the second section thereof, be, and is hereby, repealed.

Approved December 19, 1859.

CHAPTER 6.

1859.

AN ACT to incorporate Kenton Lodge, No. 2, Ancient Order of Good Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Pomfrey, S. Pomfrey, Joseph Havlin, Joseph Kerr, A. D. Groom, E. Wood, Henry Casey, J. B. Martin, John Moore, John Christian, and their associates and successors in office, be, and are hereby, created a body politic and corporate, under the name of Kenton Lodge, number two, Ancient Order of Good Fellows, and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued, to have a corporate seal, and the same to alter or renew at pleasure, and to ordain and put in execution such by-laws, rules, and regulations for the government of said society, and for the prudent and efficient management of its affairs, as may be deemed expedient and proper: *Provided*, The same be not inconsistent with the constitution or laws of this State or of the United States.

Corporators' names, and corporate powers.

§ 2. Said corporation is hereby authorized and empowered to acquire and hold by purchase, devise, gift, grant, or otherwise, real estate to the value of not more than fifty thousand dollars, and personal property to the value of not more than ten thousand dollars. Its officers may, from time to time, employ a treasurer, and other officers and agents, as they may deem proper, and require bonds from them, or either of them, which shall be binding in law, conditioned for the faithful performance of their respective duties; and compel their individual members to pay all dues, demands, and moneys which may properly be owed by each.

May acquire and hold real estate.

May employ officers, &c.

§ 3. The qualifications for membership of said corporation shall be such as may be prescribed by its constitution and by-laws.

Qualifications of members.

§ 4. This act shall take effect from and after its passage.

§ 5. The Legislature reserves the right to amend or repeal this act of incorporation.

Approved December 19, 1859.

CHAPTER 7.

AN ACT to incorporate the Madison County Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Daniel Breck, Owen W. Walker, Thompson Burnam, jr., William C. Goodloe, Thomas I. Gordon, Richard A. Burton, Humphrey T. Jones, Green B. Broadbush,

Corporators names.

1859.	<p>Thomas Wagles, Coleman Covington, Wm. P. Moore, and all other persons who may hereafter become members, be, and they are hereby, incorporated and made a body politic, by the name of the "Madison County Mutual Insurance Company," for the purpose of insuring their respective dwelling-houses, and such stores and places of trade or business as may be kept in their dwelling-houses and other places of business, and their household furniture, fixtures, and merchandise, against loss or damage by fire, under the rules and restrictions hereinafter set forth; and by that name may sue and be sued, defend and be defended, in any court of record or other place whatever; may have a common seal, may buy and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell, convey, and dispose of at pleasure; may make, alter, and put in execution such by-laws and regulations, not contrary to the laws of this State nor of the United States, as may seem necessary for the control and government of their affairs, and do and effect all that may be necessary to carry out the objects of this charter.</p>
Name and style.	
Corporate powers.	
Who are members.	<p>§ 2. That all persons who shall at any time become interested in said association by insuring therein, and also their respective heirs, as hereinafter provided and limited, shall be deemed members thereof, and shall at all times be concluded and bound by the provisions of this act.</p>
Officers.	<p>§ 3. The following officers shall be elected yearly by the association, viz: a president, vice president, secretary, and treasurer, to be chosen by ballot, and a plurality of the votes present shall be required to elect. Provision for filling vacancies in any of these offices may be made by the company; and a standing committee for valuation shall be made yearly by the president, whose duty shall be as hereinafter set forth.</p>
Entrance fee.	<p>§ 4. After the company has received its charter, each member shall pay the treasurer a sum equal to one per cent. of the amount for which his property is to be insured, as an entrance fee, and an entrance fee in like proportion shall be paid to the treasurer by each person hereafter becoming a member of the company; but the sum which each has to pay by way of indemnity for a loss by fire is not due until after such loss.</p>
Members to pay proportion of indemnity against loss.	<p>§ 5. Each member shall pay the treasurer of the company his proportionate part of the indemnity against any loss from fire within sixty days after such loss has happened; and should any member not do so within such time, the company may institute an action in any court having jurisdiction, against any member so failing to pay, for the amount due by him, and may expel him from all the rights and privileges of the company.</p>

§ 6. The company shall only insure such dwelling-houses, stores, shops, and places of business, and furniture, fixtures, merchandise, etc., etc., as may be fixed upon in their by-laws by a majority of the members, and shall not insure any property for more than two thirds its value at the time the insurance is effected or renewed; and no insurance shall be granted by the company upon any property insured in any other company whatever; nor shall any furniture, merchandise, or movables be insured by this company which do not belong to the owner of the house in which they are, and where such house is not insured by this company; and the rates of insurance may be so regulated as to correspond with the risk from fire, but shall not be less than three quarters per cent. for brick houses, and one and a quarter per cent. for frame houses, of the amount for which they are insured.

1859.

What company may insure.

Premiums.

§ 7. The standing committee, appointed as provided in third section hereof, shall fix the value and rates of houses on which insurance is sought; and this valuation may be repeated as often as necessary after the admission of a member of the company; and the committee shall take an oath before a magistrate truly and faithfully to perform their duties.

Standing committee to fix value on houses sought to be insured.

§ 8. Every member who has suffered a loss by fire, shall be indemnified according to the valuation of the committee. But if the assured and the committee cannot agree, each party shall choose one impartial member, and the two members thus chosen shall fix the valuation, and their decision shall be final.

Losses to be paid according to valuation of committee.

§ 9. Every member suffering loss from fire shall at once notify the secretary, reporting to him the causes of the fire, the value of his property burned or injured by the fire, which report shall be sworn to before a magistrate; and if the report be found correct, his indemnity shall be paid to him, unless it is found, on investigation, the fire was caused by his negligence or willful and deliberate act and intent, in either of which events, all claim on the company resulting from the loss shall be forfeited.

Notice to be given of any loss.

§ 10. In valuing and fixing the rates and estimates of such houses as are situated less than thirty feet from the following described buildings, the taxation and estimate of rates are to be regulated by the risk; and when that is too great, such houses shall not be insured by this company. The following classes of buildings are recognized as dangerous and liable to fire, viz: Workshops of carpenters, coach-makers, etc., etc., and all of that class; those of brewers, rope-makers, bakers, smith shops, and iron founderies, oil mills, distilleries, and all establishments of like kind with those named; and no insurance shall be effected on a house on leased ground, unless the lease have two years to run.

How valuation, &c., to be regulated.

1859.

§ 11. When a member, or any other person, shall build a house of any of the classes described as dangerous in the preceding section, nearer than thirty feet to a house insured by this company, the owner of the house shall notify the secretary, and the valuation committee must give their decision within sixty days from the day of notification; and by a failure to give such notice within the time provided herein, such member shall forfeit all claim on the company, and his policy shall be void. And any alteration or improvement of a house insured by the company, which increases the risk from fire, shall make the insurance of the house void, unless the same be notified to the secretary; but no alteration which does not increase the risk shall affect the insurance.

If fire occur from sale or use of powder, &c., through carelessness of the assured, shall forfeit insurance.

Persons wishing to insure to make known location, &c., of house.

§ 12. If a fire occur from the sale or use of powder, or other combustible, or in the use of fire or lights, through the carelessness of the assured, he shall forfeit all claim to indemnity resulting therefrom against the company.

§ 13. Every one wishing to insure in the company, shall make known to the president the location of his house, and, after his admission, shall pay to the treasurer his entrance fee, as stipulated in section four hereof; in return for receipt of which by the treasurer, the secretary must give his certificate of membership, signed by the president and secretary.

No policy valid unless signed by President & Secretary.

§ 14. No policy shall be valid unless signed by the president and secretary; and at each renewal of a policy after its expiration, and at every change of the amount insured, the signatures of those two officers shall be required.

How member may withdraw from company.

§ 15. Any member wishing to withdraw from the company, must give notice of such intention one month before his withdrawal, unless at the expiration of his policy; and any member having once withdrawn from the company, shall pay the entrance fee provided in section four, before he can be readmitted; though that shall not be required at a renewal of a policy expired, unless the member has withdrawn.

Entrance fee valid to heirs, &c., as long as they remain owners of same.

§ 16. The entrance fee which has been paid, as provided in section four, by the owner of the house insured, is valid and sufficient for the heirs of his body, so long as they remain the owners and proprietors of the property so insured, and conform to the rules of the company. But whenever the house shall be sold, or descend to other heirs than those herein mentioned, the insurance shall expire.

How by-laws altered.

§ 17. A vote of a majority of all the members present shall be required to make, alter, or amend any law or by-law.

Administration of affairs of company to be intrusted to officers.

§ 18. The administration of the affairs of the company shall be intrusted to the officers named and elected and appointed under the provisions of section three; but every

member shall be entitled to examine the books, papers, and general transactions of the company, upon application therefor to the company.

§ 19. Every member of this company shall be bound to pay his proportion of all losses and expenses happening and occurring in and to said company; and all buildings insured by and in said company, together with the right, title, and interest of the assured to the lands on which they stand, shall be pledged to said company; and the said company shall have a lien thereon against the assured during the continuance of his, her, or their policies: *Provided*, That no lien exceeding fifty dollars shall be enforced against any purchaser for a valuable consideration without notice, or against any creditor.

§ 20. This company to exist so long as seven of its members remain.

§ 21. The Legislature reserves the power to amend or repeal this act.

Approved December 21, 1859.

1859.

Members of
comp'ny bound
to pay propor-
tion of losses.

CHAPTER 9.

AN ACT to amend an act, entitled "An act to incorporate the New Orleans and Ohio Telegraph Lessees," and to change the name to that of the Southwestern Telegraph Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a majority, in interest, of the stockholders in the corporation known and designated as the New Orleans and Ohio Telegraph Lessees, shall elect to accept the provisions of this act, the act enumerated in the foregoing title, approved March 6, 1856, be, and the same is hereby, amended as provided in the following sections hereof:

§ 2. The name of said corporation shall be changed to that of the Southwestern Telegraph Company, and by that name and title said corporation shall have and enjoy all the rights and privileges, and be subject to all the liabilities and restrictions, pertaining to, or devolving upon, said New Orleans and Ohio Telegraph Lessees, either by virtue of said original act of incorporation, or by virtue of any and all contracts made, or business transacted, under said act of incorporation, as much as if the name and title of said corporation had not been changed; and the said corporation of the Southwestern Telegraph Company herein provided, by virtue and in the act of accepting these amendments, shall assume all the responsibilities, and enjoy all the benefits and immunities devolving upon, or pertaining to, the original association or business firm of lessees of the New

Whenever a
majority, in in-
terest, of stock-
holders shall
accept the pro-
visions of this
act, charter to
be amended.

Name changed,
and rights and
privileges.

1859.

Orleans and Ohio telegraph lines, whether said benefits and responsibilities are embraced in or grow out of the original contract of lease, between the New Orleans and Ohio Telegraph Company as lessors, and S. F. B. Morse and others as lessees, or arise out of any profits or investments made, or responsibilities incurred, in the transaction of telegraph business by said lessees during the period of their unchartered existence as a business firm.

May construct
and main
lines. acquire
trunk

§ 3. That said corporation may construct, or acquire and maintain, main trunk lines of telegraph on the Louisville and Nashville railroad, and on the branch thereof toward Memphis; on the Henderson and Nashville railroad; on the Louisville and Lexington railroad; on the Kentucky Central railroad; on the Lexington and Maysville railroad, or on the route thereof; and on any and all other railroads, or branch roads or highways, within the limits of this State: *Provided*, No vested rights of said railroad companies be infringed thereby against their consent; and the further right to construct or acquire branch lines of telegraph on the branch railroads to Lebanon, Bardstown, and Glasgow, and to any town or city or other point, or between any two points, within this State, over any of the public roads or highways thereto, and to maintain and operate any or all of their said lines, with all of the rights and privileges of said corporation, for and during the longest period mentioned in said original act of incorporation: *Provided*, That nothing herein shall be so construed as to prevent the Legislature, at any time hereafter, from incorporating other telegraph companies with the privilege of constructing lines upon any route not now actually occupied by the Southwestern Telegraph Company.

§ 4. That in order to the construction and extension of their lines of telegraph, said corporation shall be entitled to raise its capital stock to any sum not exceeding one million of dollars, at such time or times, and in such manner, as a majority, in interest, of the stockholders may appoint.

Approved December 22, 1859.

CHAPTER 10.

AN ACT to amend the Charter and Laws of Jamestown, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may
have streets
graded.

§ 1. That the board of trustees of said town shall have power to cause to be graded any of the streets, alleys, or public ways in said town, for the purposes of drainage or otherwise, as they may deem best; and shall also have power to set the curb, and pave, macadamize, or gravel the

1859.

same, or any part thereof. Also, to pave any of the side-walks, or any portion thereof, in such manner as they may think best; and are empowered to levy and collect an additional poll tax, not exceeding one dollar per year, upon each tithable, to be applied to said improvements and works. All laws requiring the inhabitants of said town to work on the streets, alleys, and public landings thereof, are repealed.

§ 2. That whenever two thirds of the property-holders, owning at least one half of the property fronting on any part of any street, alley, market space, common, or public way, proposed to be improved, shall, by written petition to the board of trustees, express their desire to have the same improved, said board shall have power to improve the same by grading, paving, macadamizing, or otherwise, as they may deem best, and to levy and collect a special tax for defraying the cost or expenses of the same, by an equal assessment on the foot front bounding or abutting on the part of such street, alley, market space, common, or public way proposed to be improved; and a lien for said taxes shall exist upon the real estate upon which it may be assessed, from the time of filing such petition until it shall be paid and satisfied; that the collection of said tax may be enforced in such manner as shall be provided by ordinance. Said board shall have full power and authority to compel the property-holders on any graded street, alley, or public way, to improve the side-walks in front of their property on any one or more squares or blocks, by paving or graveling; and in case of a neglect or refusal on the part of such property-holders, or any of them, to obey such mandate, then said board shall make such improvement, and assess a tax upon the property fronting such side-walk so improved by the board, and collect the same as may be provided by ordinance, to defray the expense and costs of collection.

When two-thirds of property holders desire it, trustees to cause grading to be done.

May compel property holders to grade streets, &c.

§ 3. They shall have power to procure and hold, by purchase or otherwise, suitable grounds and buildings in or adjacent to said town, for a work-house and jail for the use of the town, and to pass suitable by-laws and ordinances for the regulation and government of the same. Also, grounds and buildings for an alms-house or poor-house, for the use of the town, and to prescribe the regulations and government of the same. And persons convicted of violating any of the laws or ordinances of the town, or failing to pay the fines assessed against them, may be confined in the work-house and jail at labor until their term of sentence shall expire, or until such fines are paid, at the rate of fifty cents per day; but no person shall be confined in the work-house for a longer term than three months.

May have jail and workhouse, &c.

Who may be confined in the work-house.

§ 4. That hereafter the Campbell county court shall not levy or collect any poll or capitation tax within the limits

County court of Campbell not to levy and collect poll tax in said town.

1859.

of said town, and said county court shall not allow, or the county be chargeable with, any claim or claims for the benefit of the poor of said town; or for any fees for persons confined in the work-house of said town under the order of a justice of the peace, or any other claims originating in said town which by law are now chargeable to said county; but all said claims shall hereafter be chargeable to, and paid by said town; and said town is required to maintain and take care of their own poor.

May acquire
grounds for a
cemetery.

§ 5. They shall have power to procure and hold, by purchase or otherwise, such grounds convenient to said town as may be deemed necessary for a public cemetery; and to pass all needful by-laws and ordinances for the government and control of the same, and may lay out and sell the same, or any part thereof, in lots for cemetery purposes.

Trustees to
have exclusive
right to license
coffeehouses, &c

§ 6. That the board of trustees shall have the exclusive right to license and tax all taverns, groceries, coffee-houses, and houses of public resort, (except gaming-houses and houses of ill-fame,) within said town, under such rules and regulations as may be prescribed by ordinance; but tavern-keepers, retailers of spirits, and ten-pin or bowling alleys, shall be liable to the revenue tax.

Sixth section
of act incorpor-
ating said town
repealed, and
eighth section
amended.

§ 7. That the last proviso of section sixth of the act, entitled "An act to amend the act entitled an act to incorporate the town of Jamestown, in Campbell county," be, and the same is hereby, repealed; and the eighth section of said act is so amended as to require that the marshal of said town shall be elected every two years, and his power to arrest offenders shall extend for half a mile outside of the corporate limits of said town.

Trustees may
borrow money
for use of town.

§ 8. That the board of trustees shall have power to borrow money in the name of the town, and for its use, not exceeding in all five thousand dollars at any one time; nor shall said board increase the debt of the town by borrowing, or otherwise, beyond the sum of five thousand dollars at any one time; and for money so borrowed said town may issue its bonds at not exceeding ten per cent. interest per annum; said bonds shall be payable to order and not to bearer.

Taxes may be
increased.

§ 9. That they shall have power to increase the taxes on the taxable property of said town to any sum not exceeding forty-five cents on the one hundred dollars valuation for each year, and a poll tax not exceeding two dollars on each tithable per year for revenue or general purposes.

Trustees may
abate nuisances

§ 10. Said board of trustees shall have full power to require the abatement and removal of all nuisances on public or private property in said town, and to clear the streets and public ways from all obstructions, and to pass all ordinances and by-laws, with proper penalties for the enforcement and regulation of the same; and the expense of

such abatement and removal, when done by the town, shall become a debt chargeable to the person causing such nuisance or obstruction, and may be enforced by law as other demands.

§ 11. This act shall take effect from the date of its passage.

Approved December 22, 1859.

1859.

CHAPTER 12.

AN ACT to incorporate Lone Star Lodge, No. 2, of the American Protestant Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Creighton, Benjamin Bastine, Henry E. Wilson, John Battersby, and Joseph Young, and their associates and successors in office, be, and are hereby, created a body politic and corporate, under the name of Lone Star Lodge, No. 2, of the American Protestant Association, and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued, to have a corporate seal, and to alter or renew the same at pleasure, and to ordain and put in execution such by-laws, rules, and regulations for the government of said society, and for the efficient management of its affairs, as may be deemed expedient and proper: *Provided*, The said by-laws, rules, and regulations shall not be inconsistent with the constitution and laws of this State or of the United States.

Corporators' names.

Name and style, and corporate powers.

§ 2. That said corporation shall have full power and authority to acquire and hold by purchase, gift, grant, or otherwise, real estate to the value of not more than twenty thousand dollars, and personal property to the value of not more than five thousand dollars. Its officers and members may, from time to time, employ or elect a treasurer, and such other officers and agents as they may deem proper, and require bonds from them, or either of them, which shall be binding in law, conditioned for the faithful performance of their respective duties, and to compel the individual members to pay all such dues, demands, and moneys as may be levied and charged by the by-laws, rules, and regulations of said society.

May acquire and hold real estate.

Treasurer and other officers may be appointed.

§ 3. That the qualifications for membership of said corporation shall be such as may be prescribed by its constitution and by-laws.

Qualifications of members.

§ 4. That the General Assembly shall at all times hereafter have the right to alter or repeal this act, or any part of the same, whenever it may be deemed necessary.

Repealing clause.

§ 5. That this act shall take effect from its passage.

Approved December 23, 1859.

1859.

CHAPTER 13.

AN ACT to authorize the appointment of a County Treasurer for Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Treasurer appointed; term of office.

When first appointment to be made.

To make oath and give bond.

To receive and disburse county funds.

Penalty for failing to disburse.

Upon going out of office to pay over funds to successor.

To have charge of road funds, &c.

§ 1. That a county treasurer, whose term of office shall be two years, and until his successor qualifies, shall be appointed for the county of Boone, by the presiding judge of the county court of said county; and said presiding judge shall fill any and all vacancies that may occur in said office of county treasurer by appointments for the full term of two years; and each vacancy shall be filled at the first sitting of the said court after it occurs. The first appointment of county treasurer for the county of Boone shall be made at the October term of said county court, 1860; and the treasurer then appointed shall enter upon the duties of his office on the third Monday in December thereafter. But before entering on said duties, said county treasurer shall make oath before said court, "that he, as county treasurer for the county of Boone, will promptly and faithfully execute and perform, according to law, all the duties of his said office," and shall execute a bond "to the county of Boone" in the penalty of ten thousand dollars, with at least two good securities, conditioned "that he, the said county treasurer, shall and will promptly and faithfully execute and perform, according to law, all the duties of his said office of county treasurer."

§ 2. Said county treasurer shall be the legal keeper, custodian, and disbursing officer of all the county funds and treasures, and he shall pay out of said county funds to and upon the orders of allowance made by said county court, and in no other way; and if said county treasurer, when county funds have been furnished him for that purpose, shall fail or refuse to meet or pay any orders of allowance made by said court, when the same ought to be met and paid, he shall be liable, upon suit or motion by the person owning or holding such order of allowance, to a judgment for the amount due on such order, with interest thereon at the rate of ten per cent. per annum from the time the same ought to have been paid by him; and he shall also be subject, upon conviction of such failure to pay promptly, to removal from office, and to suit or action upon his official bond, against himself and securities, for all sums in his hands as treasurer. On the removal from office of said treasurer, or on his resignation or the expiration of his term, he shall pay over to his successor all sums in his custody as county treasurer; and if he shall fail so to do, he and his securities shall be held liable for the same on his official bond.

§ 3. All county and road funds, and other moneys belonging to the county of Boone, collected by sheriffs, constables, or other officers or persons for county or road purposes,

shall be paid over by the officer or person collecting or holding the same to said county treasurer, who shall receipt therefor; and the sheriff of Boone county shall make quarterly payments, to-wit: On the third Mondays in March, June, September, and December in each year, of all funds and sums in his hands on said quarterly days, collected for county or road purposes, to said county treasurer, and take his receipts for such payments. And at the payment to be made by the sheriff to the treasurer, on the third Monday in December of each year, the presiding judge of said county court shall attend, and he and the said county treasurer shall constitute a board to settle with the sheriff; and said board shall then and there settle with said sheriff for all taxes, levies, and other claims for county or road purposes put into said sheriff's hands that year for collection, and for all sums or balances remaining against said sheriff at any previous settlements. And said board shall, at said December settlement, allow the sheriff's delinquent lists of county and road tithes and taxes, and may sell such delinquent lists to the sheriff or other persons, or leave the same in the sheriff's or constable's hands for further collection and account, taking receipt for such delinquent lists. And said presiding judge shall, on said third Monday in December in each year, settle with said county treasurer all his accounts for money received or paid out by him, keeping the accounts of the road funds distinct from the other accounts, and exhibiting the balance, if any, in said treasurer's hands on said day, which said settlement with said sheriff and with said treasurer, shall be recorded in the clerk's office of said county court; and if, from any cause, either of said settlements shall not be made on said third Monday in December, it shall be made as soon thereafter as practicable.

§ 4. The county treasurer shall, in a book provided for that purpose, keep regular accounts of all sums received by him, and of all sums paid by him, keeping the road fund account separate and distinct from the other accounts; and he shall pay out and apply the road funds only to and for road purposes; and he shall, by himself or agent, keep his office at the county seat, and his accounts open and free to the inspection of all persons having business with him. And said county treasurer and his securities shall be liable and held responsible for all county or road funds which may come to his possession against all misadventure whatever. And when he quits office, or his term expires, he shall settle with his successor, or with the presiding judge, all his accounts as treasurer, and shall pay and deliver to his successor all county and road funds and office books and accounts in his custody.

§ 5. After the third Monday in December, 1860, all laws requiring the sheriff of Boone county to pay the county

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Sheriff to make quarterly payments to treasurer.

County judge to attend December payment, and settle with sheriff.

Treasurer to keep regular account of all moneys received and disbursed by him.

County treasurer to pay county claims.

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claims to the several persons to whom allowed, shall stand repealed, and that duty shall then and after devolve on the county treasurer.

Treasurer's
commissions.

§ 6. The county treasurer's commissions and compensation, if any, for keeping and disbursing the county and road funds, shall be allowed and made by the court of claims for said county.

County officers
not to purchase
county claims
at less than par
value.

§ 7. No presiding judge of the said county court, no county attorney, no county treasurer, no sheriff of said county, nor his deputy, and no clerk of said county court, nor his deputy, shall purchase or receive any county claim or allowance or road claim or allowance of the county court of Boone, for or at less than its par value, under the penalty of ten dollars for each offense, recoverable by presentment in the circuit court, or by warrant before a justice of the peace.

When act to
take effect, and
previous act re-
pealed.

§ 8. This act shall take effect on the first day of October, 1860; and the act, entitled "An act to authorize the appointment of a county treasurer for Boone county," approved January 17th, 1854, is hereby repealed.

Approved December 23, 1859.

CHAPTER 14.

AN ACT incorporating the Louisville Gaiety Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers,

§ 1. That G. Spratt, W. C. D. Whipps, Blanton H. Duncan, Thomas H. Hunt, Richard Atkinson, Thomas Fosdick, Silas F. Miller, Thomas J. Martin, R. A. Bell, H. D. Newcomb, A. D. Hunt, B. J. Adams, W. K. Thomas, and their successors in office, regularly appointed as hereinafter provided, be, and are hereby, constituted a body corporate and politic, by the name of the "Louisville Gaiety Association," and by that name they shall have perpetual succession; which said corporation is to be located and to have its domicile for the transaction of its affairs in the city of Louisville, and is to be devoted especially to the erection of a theater, wherein the productions of the best authors may be presented, with all the advantages of such music, decorations, &c., as may be calculated to represent the said works in the most perfect and effective manner possible.

Capital stock.

§ 2. The capital stock of said corporation shall consist of four hundred shares of one hundred dollars each, which may, in the discretion of the president and directors, be increased to any number not exceeding six hundred shares, of one hundred dollars each.

Affairs to be
managed by a
board manag'rs.

§ 3. All of the prudential affairs and business of said corporation shall be managed by a board consisting of thir-

teen directors, to be elected whenever the said four hundred shares of stock shall have been subscribed, and afterwards on the first day of January in every year; and who shall elect from their body a president and vice president; and directors shall hold their offices until their successors are duly elected and enter upon their official duties. At all elections, each share shall be entitled to one vote, to be given by the owner thereof; and all elections shall be by ballot.

§ 4. The said corporation shall have the right to make and use a common seal, and to sue and be sued, to purchase and to hold and convey real and personal estate to an amount not exceeding three hundred thousand dollars; and all citations upon the president shall be good and valid against the corporation.

§ 5. The president and directors shall have the right to appoint and to remove, at their pleasure, a secretary and treasurer from their own body, provided always that he shall be a stockholder in the corporation; and they shall also have the right to prescribe the duties of said secretary and treasurer, and to require of them bond and security for the faithful performance of the duties of their respective offices. They shall also have power to call meetings of the stockholders at any time and place, by publishing a notice thereof in the daily newspapers published in Louisville.

§ 6. The president and directors shall have the right to lease or purchase a suitable piece of ground in the city of Louisville, and cause to be erected thereon a suitable building, and all appropriate furniture therefor, and to provide for the accommodation of the stockholders in such way as to them may seem proper. They shall have power to rent the said building, with or without its furniture, upon such terms and reservations as they may deem proper: *Provided*, That any stockholder owning five shares of stock, shall at all times have the right of free admission to witness any and all exhibitions in the buildings of this corporation.

§ 7. The shares in this corporation shall be regarded as personal property, and shall be transferred only on a book to be kept for that purpose by said corporation, which shall always be and remain in the possession of the president; and no transfer shall be made until the previous certificate of stock is surrendered. No stockholder shall be obliged to pay or be responsible beyond the amount of his subscription. He shall be obliged to pay up the amount of his subscription at such time and in such manner as the president and directors may order; and if any such stockholder shall fail thus to pay for thirty days after demand, they may forfeit his stock, and sell it again for the benefit of the corporation. And when any stockholder shall have paid up his stock in full, he shall be entitled to a certificate for the

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Officers, and
how elected.

May make and
use a common
seal.

May purchase
and hold real
estate.

Officers to be
appointed.

May erect suit-
able buildings.

Shares of stock

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same, signed by the president and countersigned by the secretary, and he shall be subject to no further call, and shall not be liable for any debt of the corporation. All creditors must look to the corporate property for their demands.

Rents and revenue to be applied to payment of debts.

§ 8. The rents and revenues of this corporation shall first be applied to the payment of its debts; and at the end of each year, beginning with the first election of the board of directors, if, after the payment of debts, taxes, repairs, and other useful outlays, there should be a surplus of money in the hands of the treasurer, the president and directors may divide the same pro rata among the stockholders; and after the ground, buildings, and contents belonging to said corporation shall be fully paid for, any surplus remaining shall in like manner be divided. And in the event of a dissolution of said corporation from any cause, all its property shall be applied to the payment of its debts, and the residue shall be divided equally among the stockholders.

Quorum.

§ 9. At all meetings of the stockholders, the presence of one third of the whole number of shares shall be required to constitute a quorum; and at all meetings of the board of directors, the presence of five members shall be required to constitute a quorum.

May make and change by-laws.

§ 10. The president and directors shall have power to make and change at pleasure all needful by-laws, and to enforce the same, not inconsistent with the constitution and laws of Kentucky and the United States.

Approved December 23, 1859.

CHAPTER 15.

AN ACT to prescribe the means and mode of opening roads in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Tax to be collected for road purposes.

§ 1. That for road purposes in the county of Boone, there shall be levied and collected two cents on each one hundred dollars of *ad valorem* valuation of property, as assessed for State revenue, and a poll-tax of one dollar and fifty cents each upon every white tithe, and of fifty cents each upon every black tithe, subject to be tithed for county levies in said county of Boone; which taxes shall be paid by each and every person therein listed for taxes, upon the amount and number of his or her list of property and tithes, as assessed for State and county taxes each year. And the clerk of the county court of Boone shall, in 1860, and every year thereafter, open one column throughout the tax book which is to be delivered to the sheriff of said county, and shall head said column "road tax," and shall set down therein,

opposite each person's name, the amount such person is to pay for that year as road tax, uniting the ad valorem tax and the levies in one sum; and if any error shall occur in such aggregation and rendition of road taxes, it may be corrected at any time by said clerk, or on his refusal, by said court.

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§ 2. That at the March or April term of said county court, in the year 1860, and every year thereafter, and before said tax book shall be delivered to said sheriff of said county, said sheriff shall, with two good securities, (not of surety for said sheriff in his other official bond,) execute a bond before said county court, in the penalty of five thousand dollars, payable to the county of Boone; and conditioned that he will faithfully collect and pay over according to law all taxes, levies, fines, and forfeitures, and other sums appropriated to or held for road purposes in said county of Boone. Said sheriff shall then proceed to collect said road taxes and levies as he does other taxes and levies. Said sheriff shall pay over the same to the county treasurer of the county quarterly, or as the same shall be collected; said sheriff shall be entitled to, and may retain, four per cent. on the amount of road taxes and levies he collects, which shall be his full compensation for collecting and paying over the same, and for all other services he may perform under this act. The presiding judge of said county shall, in the month of December in each year, bring said sheriff to a full and final settlement of all road funds, claims, and sums which have come into his hands for that year; and the court may order, direct, and cause the sheriff to pay over to the county treasurer the taxes and sums, or any part thereof, that may be in his hands at the time of such settlement. If the sheriff shall fail or refuse to pay over said road funds, or any part thereof, as directed by the court, he and his securities aforesaid shall be subject to suit on motion for the same in any court having jurisdiction of the amount claimed.

Sheriffs to give bond for collection of road tax.

Sheriff to settle with co's judge in December of each year.

§ 3. That it shall be the duty of the Boone county court, at its March or April term, in 1861, to lay off and allot the roads in the county into thirty road districts, in such manner that each and every district shall contain, as near as may be without actual admeasurement, an equal length of road. The court shall, at the same term, appoint a road overseer for each of said districts, who shall hold his office for two years, and until his successor is appointed; and it shall be the duty of each overseer to superintend the opening, working, and keeping in repair all the roads in his district.

County court to lay off co'ty into thirty districts.

Overseer of each district to be appointed.

§ 4 Within ten days after the entry of each order appointing an overseer, the clerk shall deliver to the sheriff of said county a copy of such order, with a copy of the order

Overseer to be notified of his appointment.

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establishing the district of which the person so appointed is overseer. The sheriff shall, within thirty days after receiving said copies, deliver a copy of each to the person thereby appointed overseer. The sheriff shall return the copies delivered to him to the clerk's office whence they issued, with the indorsement showing how they have been executed, before the next regular county court day of the county. The receipt of his allowance by an overseer shall be conclusive evidence of the service of said copies. Should the clerk or sheriff fail to perform the duties required of him by this section, he shall, for every such failure, be subject to a fine not to exceed ten dollars, recoverable on motion before the county court, or by warrant before a justice of the peace. The clerk shall be entitled to ten cents for each order or copy of an order made under this act, to be paid by order of the court out of said road funds.

Penalty for failure to perform duty.

Each district to receive equal amount of road fund.

Overseer to take oath.

Pay of overseer.

To make return to county court.

Power of co'ty court over overseers.

§ 5. The several road districts in the county shall be each entitled to an equal amount out of said road fund, which shall be paid over to the overseers by order of allowance, to be made and entered by the said county court at its March or April term in each and every year, and paid by the county treasurer, or such other person as may have the custody of the road funds. Each overseer shall take an oath, previous to his entering upon the discharge of his duties, "to faithfully and impartially discharge his duties as road overseer, according to law." He shall lay out and expend all sums that may come to his hands under this act, to the best advantage in opening and repairing the public roads in his district, and upon such parts of said roads as said sums are most needed. The working of the roads shall be done mostly in the months of April, May, June, and July in each year. Each overseer shall be allowed one dollar per day he shall be engaged in performing the duties required of him by this act; *Provided*, That no overseer shall receive more than ten dollars for said services in any one year. Each overseer shall, at the November or December term of said court in each year, return to said court a full and true account of all his receipts and expenditures as overseer, verified by his oath; and a similar account, verified in like manner, on his removal, resignation, or at the expiration of his term as overseer. The court shall have power to appoint and remove overseers, to call them and each of them to account, and settlement of the road funds and sums which may have come to his hands, and to render judgment against him for any sum or balance in his hands, and to make all orders necessary and proper for the management and safety of the roads and road funds of said county, and to alter and change the road districts so as to keep the length of road and amount of work to be done about the same in each district.

1859.

§ 6. Should the road overseer of a district fail or neglect to keep and to have any public road in his district open and in good repair, such overseer shall, for each and every such neglect or failure, be subject to a fine not to exceed twenty dollars, which fine may be recovered by a presentment in the circuit court, or by warrant before a justice of the peace; and all fines and forfeitures accruing under this act shall enure to the road fund, and be collected and paid over by the sheriff as part of said fund, or they may be collected and paid over in like manner by a constable.

Penalty if overseer neglect to perform duties.

§ 7. Should any person obstruct any public road of said county, or the street or sidewalk in any town in said county, or take down, mutilate, or destroy any road index in said county, such person shall be fined one dollar for each twenty-four hours he suffers such obstruction to remain, and fined two dollars for taking down, mutilating, or destroying such index, which fine may be recovered and shall be appropriated as directed by section six of this act.

Penalty for obstructing roads, &c.

§ 8. All suits and motions, except presentments and indictments on the part of the public or of the county, to recover money to enforce any provision of this act, or to enforce any fines or forfeitures under this act, shall be carried on in the name of the county of Boone; and there shall be at least five days' service of process or notice of motion before judgment. Any person aggrieved and wishing to enforce this act, may do so in the name of the county of Boone plaintiff, against the person offending as defendant, the person prosecuting setting down his or her name as liable for costs if the prosecution fails. The county attorney of Boone shall, ex-officio, give his attention to all prosecutions under this act.

How suits to be brought.

§ 9. Turnpikes and roads of chartered companies are excluded from the operation and provisions of this act; nevertheless, the general road law of the State is declared to be in force, and the roads in the county of Boone shall be worked under said law until the first of April, 1861, and no longer; but the provisions of said general law for establishing, altering, and discontinuing roads, as contained in the Revised Statutes, are to continue in force in said county as part of this act.

Turnpikes excluded from provisions of this act.

§ 10. All special acts passed heretofore for working roads in Boone county, are hereby repealed.

§ 11. This act shall take effect from its passage.

Approved December 23, 1859.

1860.

CHAPTER 18.

AN ACT to amend the charter of the City of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Lexington," approved 21st December, 1850, as requires of the citizens of said city "to have either paid their poll tax to said city for the year next preceding the election at which they claim to vote, or have arrived at the age of twenty-one years since the last assessment of tax," be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage,

Approved December 23, 1859.

CHAPTER 19.

AN ACT for the benefit of James Tuggle, of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from and after the first day of March, 1860, be allowed James Tuggle, late sheriff of Knox county, to collect his unpaid taxes and fees, and that he have power to distrain for the same according to the laws now in force governing the collection of taxes and fees, either by himself or by other legal officers.

§ 2. Before he shall be entitled to the benefit of this act, his former sureties as sheriff, or other competent surety, shall appear in the Knox county court, and acknowledge sufficient bond for any liabilities which the said Tuggle may incur in the collection of said fees and taxes, according to the provisions of law.

Approved January 5, 1860.

CHAPTER 22

AN ACT to repeal an act to prohibit Fishing in North Fork of Licking river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved the 7th day of March, 1856, to prevent fishing in the North Fork of Licking river, in the county of Mason, be, and the same is hereby, repealed, so far as it relates to the county of Mason.

§ 2. This act to be in force from its passage,

Approved January 5, 1860.

CHAPTER 23.

1860.

AN ACT to amend the charter of the City of Augusta, Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act, entitled "An act to amend the charter of the city of Augusta," approved February 27th, 1856, as requires the wharfmaster, city coal and wood measurer, clerk, treasurer, and assessor of said city to be elected annually, as the other officers of the city, be, and the same is hereby, repealed.

§ 2. That the mayor and city council of said city are hereby empowered to appoint the wharfmaster, coal and wood measurer, clerk, treasurer, and assessor, for such time, and under such rules and regulations, as they may from time to time prescribe by an ordinance.

§ 3. This act shall take effect from and after its passage.

Approved January 6, 1860.

CHAPTER 24.

AN ACT for the benefit of the Grand Lodge of I. O. O. F., of the State of Kentucky, located in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the lot of ground situated on the north side of Jefferson street, between First and Second streets, in the city of Louisville, together with the buildings and improvements thereon, belonging to the Grand Lodge of I. O. O. F., of the State of Kentucky, located at Louisville, be, and the same is hereby, exempted from taxation for the State, county, or municipal purposes: *Provided, however,* That this exemption is made with a view to enable said Grand Lodge, as soon as a sufficient fund shall have been accumulated, to establish and maintain a school for the education of poor and orphan children, at the expense of said Grand Lodge; and the Legislature reserves the power to repeal or amend this act.

Approved January 7, 1860.

CHAPTER 26.

AN ACT making Martha Ann Curtis the lawful child of Samuel Hill.

WHEREAS, Samuel Hill, of Butler county, Kentucky, has, by petition, requested of the General Assembly of the Commonwealth of Kentucky the passage of a law adopting Martha Ann Curtis as his lawful child; therefore,

1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Martha Ann Curtis be, and she is hereby, made the lawful child of Samuel Hill, of Butler county, Kentucky, that the said Martha Ann shall have all the rights and privileges of inheritance from the estate of said Samuel Hill as if she were his natural child born in lawful wedlock.

§ 2. This act to take effect from and after its passage.

Approved January 10, 1860.

CHAPTER 28.

AN ACT to incorporate Russell Lodge, No. 284.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Worshipful Master, wardens, and members of Russell Lodge, No. 284, of Free and Accepted Masons, of the town of Jamestown, in Russell county, be, and they are hereby, created a body politic and corporate, by the name and style of Russell Lodge, No. 284, with perpetual succession; and by that name shall be known and called, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding and receiving, by gift or otherwise, all such real and personal estate as may be required for the use of said lodge; to receive all necessary deeds and conveyances; to sell, convey, and dispose of all such real and personal estate as they may now hold or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to the Master and wardens of said lodge and their successors in office, as trustees thereof, who shall have power to make all contracts pertaining to the real and personal estate of said lodge; and service of notice or process on any two of said officers shall be sufficient notice to said corporation.

§ 3. That the said trustees, named in the second section of this act, shall hold their office until their successors are duly elected and installed in office; that any real or personal estate now owned by said lodge shall vest in the said trustees, in the same way and to the like extent as if acquired after this act takes effect. They may have and use a common seal, and change the same at pleasure; but in conveying real estate it shall not pass the title, unless agreed to by a majority of the members of said lodge,

Created body
politic and cor-
porate.

Corporate
powers.

Who to man-
age concerns of
corporation.

Term of office.

Personal estate
owned by lodge
to vest in trust-
ees.

May have and
use common
seal.

entered upon their secretary's book. This act to take effect from and after 1st January, 1860.

1860.

§ 4. The Legislature reserves to itself the right to change or repeal this charter at pleasure.

Approved January 10, 1860.

CHAPTER 29.

AN ACT to empower the Baptist Church at Paris to sell and convey certain real estate belonging to said church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Baptist church at Paris, in Bourbon county, now in office, or such trustees thereof as may hereafter be appointed, in pursuance of the provisions of the Revised Statutes, chapter 14, shall have full power to sell, either at public or private sale, and convey by deed, the lot and building occupied by said church in the town of Paris; and to reinvest the proceeds of said sale in a lot in said town, and in the construction of buildings thereon, to be held and used by said church as a place of worship.

§ 2. This act shall take effect from and after its passage.

Approved January 10, 1860.

CHAPTER 30.

AN ACT for the benefit of William J. Mayo, late Sheriff of Floyd county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That William J. Mayo, late sheriff of Floyd county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect all taxes and county levy due from delinquents, and all fees due him as sheriff, or fee bills placed in his hands for collection while sheriff; and may distrain for and collect the same, any law to the contrary notwithstanding, subject to the same rules and regulations now prescribed by law.

§ 2. This act to take effect from its passage.

Approved January 12, 1860.

1860.

CHAPTER 81.

AN ACT to amend the charter of the German Lutheran St. John's Church,
in Newport, Kentucky,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the congregation of the German Lutheran St. John's church, in Newport, Kentucky, shall be empowered to choose two trustees, in addition to the seven now granted them by their charter, under the same provisions and regulations as are now prescribed by their charter; and that when said trustees are properly chosen, the corporate powers of said corporation shall vest in and be exercised by the board of nine trustees and their successors in office.

§ 2. That the said board of trustees shall be and are empowered to sell and convey lots Nos. 137 and 138 in the Buena Vista addition to the city of Newport, in Campbell county, Kentucky, and the title to the said property thus sold and conveyed shall vest in the purchaser thereof.

§ 3. This act shall take effect from the date of its passage.

Approved January 12, 1860.

CHAPTER 32.

AN ACT for the benefit of the Nicholas County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the present revenue tax an annual tax of five cents upon each hundred dollars of real and personal estate directed to be assessed for taxation, shall be paid by the persons assessed in Nicholas county, in the years 1860 and 1861, for the purpose of enabling the county court of said county to complete their new jail and jailer's house, now being in the course of erection; which said tax shall be collected and paid over to the county court of Nicholas, in the same manner, and at the same time, he is required to collect and pay over the general revenue tax.

§ 2. That said sheriff shall be allowed five per centum on the amount so collected by him for his commission; and for his failure to pay over the same to the order of the county court, he shall be liable to a motion before the presiding judge thereof for the amount which he may fail to pay over, and twenty per cent. damages thereon, to be collected by execution as other debts in similar cases are collected.

Approved January 12, 1860.

CHAPTER 33.

1860.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judicial power of said town shall be vested in and exercised by a court, to be styled the Police Court of Harrodsburg, which shall be held by a single judge, to be elected and qualified and hold office as prescribed in the constitution of this Commonwealth. The police court of Harrodsburg shall be a court of record, and shall have the power of a quarterly judge over slaves and free negroes, and to require security of all persons for good behavior and to keep the peace; and in all matters of penalties for a violation of the laws of this Commonwealth shall have concurrent jurisdiction, with the circuit courts and justices of the peace, of prosecutions for misdemeanors committed in the town where the punishment of a free person is a fine not exceeding one hundred dollars and imprisonment for fifty days, or of a slave in any number of stripes not exceeding thirty-nine; and exclusive jurisdiction of all prosecutions and actions for an infraction of the by-laws or ordinances of the town. Said court shall exercise the power and jurisdiction of an examining court, shall have concurrent jurisdiction with the circuit court to try vagrants; and shall have power to take recognizances and bail bonds from persons charged with offenses cognizable before said court to appear and answer, and a like power to enforce a compliance with the same that circuit courts have; and all recognizances and bail bonds entered into to appear before said court, where the amount of the penalty does not exceed one hundred dollars, may be forfeited, and other proceedings had thereon in said court to forfeit and collect the same, as are directed by-law in similar cases in the circuit court. The jurisdiction of said court, and the judge thereof, in civil cases, shall be the same as that of a quarterly court and the judge thereof.

Judicial power vest'd in police court.

Judge to be elected.

Jurisdiction of police court.

§ 2. The police judge shall issue his process in criminal, penal, and civil cases in the name of the Commonwealth, and make the same returnable before him as police judge of Harrodsburg; and the same shall be directed to the sheriff, marshal, jailer, coroner, constable, or policeman of any town, city, or county of Kentucky, and shall be executed and returned by any of said officers, under the same penalties as other similar process from circuit and quarterly courts; and all proceedings in criminal, penal, and civil cases in said court shall be the same as directed by law in similar cases in the circuit and quarterly courts: *Provided, however,* That it shall not be necessary that an indictment be found by a grand jury for the trial of any

Police judge to issue process in the name of the Commonwealth, & to whom directed.

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offense of which said police court or judge shall have jurisdiction: *And provided further*, That all prosecutions for a violation of town ordinances shall be in the name of the board of trustees; and said town shall be entitled to all fines and forfeitures recovered in such cases.

Jury may be
summoned.

§ 3. The judge of said court may authorize any of the officers aforesaid to summon a jury in any case cognizable before him, where a jury would be required before the circuit court, quarterly court, or a justice of the peace.

Judge to be
cl'k of his court,
and his fees.

§ 4. The judge of said court shall be the clerk of his own court, and shall receive for services therein rendered the same fees as the clerks of circuit courts are by law entitled to, where the amount in controversy in a civil case before him is fifty dollars or more; in cases of less than fifty dollars, he shall receive the same fees as by law are allowed to justices of the peace. In penal and criminal cases, he shall be entitled to charge the following fees, to-wit; For a warrant for a violation of the penal and criminal laws, or the by-laws and ordinances of the town, one dollar; for swearing a jury and presiding over the trial in any such case, fifty cents; for a recognizance or other bond, forty cents; for a recognizance to keep the peace, to be paid for by the applicant therefor, fifty cents; for an order of commitment in any case, fifty cents; swearing witnesses, five cents each. All other fees of said judge shall be the same as are by law allowed to the quarterly judge.

Trustees to
elect attorney—
his duties and
fees.

§ 5. The board of trustees of said town shall elect an attorney for said board, whose duty it shall be to give legal advice to the board when called upon, to prosecute all persons in said court charged with a violation of the criminal and penal laws, and of the by-laws and ordinances of said town, and institute proceedings for the enforcement and forfeiture of recognizances and bail bonds, and the enforcement and collection of all judgments against offenders; and for his services in every case he shall be entitled to, as his fee, the same amount allowed by law to Commonwealth attorneys for similar services: *Provided, however*, That in all jury trials where the said attorney does not receive a part of the fine, there shall be taxed a fee of five dollars against the defendant, if convicted.

Proceedings in
cases of \$50 and
over.

§ 6. In all civil cases where the amount in controversy is fifty dollars or more, there shall be the same pleadings and proceedings by the parties, plaintiff and defendant, that are required by law in the circuit court; and upon the filing of every petition there shall be a tax of fifty cents paid, which the judge of said court shall pay over to the trustee of the jury fund, and it shall be the duty of said judge to report to the circuit court at each term the number of petitions filed before him since his last report.

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§ 7. The fees of the judge of said court in civil cases shall be collectable at the same time and in the same manner as fees of the clerk of the circuit court are collected.

How fees of judge collected.
Writs of *f. fa.* & *capias prof.* may issue.

§ 8. On all judgments in criminal, penal, and civil cases, in said court, and for a breach of the by-laws and ordinances of said town, the same writs of *fieri facias* and *capias profine* shall issue as are by law allowed for the collection and enforcement of similar judgments in circuit and quarterly courts.

Fines and forfeitures grant'd to trustees of Harrodsburg.

§ 9. The fines and forfeitures recovered in the name of the Commonwealth in said court, except the part allowed to the town attorney, are hereby granted to the board of trustees of Harrodsburg, to be by them held and appropriated for the purpose of sustaining common schools in said town, and for no other purpose; and any fund arising therefrom, which may not be needed in sustaining said common schools, shall be, by said board, invested in some safe and sure manner for such uses.

§ 10. Any officer who may execute process, writs of *fieri facias*, or *capias profine*, issued by said court, shall be entitled to the same fees as are by law allowed to sheriffs for similar services.

Fees for issuing writs of *f. fa.*, &c.

§ 11. The regular terms of said court shall be as follows: For the trial of civil cases, on the first Tuesday in February, May, August, and November, and continue five days, if the business of said court require it; and for the trial of criminal and penal cases, and for violations of the town ordinances, at any time three days after the service of the warrant, process, or summons, on the defendant: *Provided*, That in any such case the defendant may demand and have a speedy trial, the parties thereto having reasonable time allowed to procure the attendance of witnesses.

Regular terms of police court; when held.

§ 12. Any of the officers aforesaid who shall fail, neglect, or refuse, to execute any warrant, summons, or process, and make due return of the same, shall be fined not less than twenty dollars, upon the motion, in said court, of the town attorney, or of any party aggrieved—ten days' notice in writing having been given to the said officer.

Penalty if officers fail to perform duties.

§ 13. Any officer who shall fail to collect any writ of *fieri facias*, or execute any *capias profine*, issued from said court, and make due return thereof according to law, shall, with his securities, be subject to all the damages and penalties now imposed by law upon sheriffs for failing to collect, return, and pay over money when collected on writs of *fieri facias* and *capias profine*.

§ 14. A return of "not found" on a *capias profine*, or of "no property found" in whole or in part on a *fieri facias*, issued on any judgment in said police court, shall authorize an attachment out of chancery in favor of the Commonwealth or the board of trustees of Harrodsburg, or other

When attachments may issue.

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plaintiff, against the choses in action and other effects of the defendant or defendants, in the same manner that the return of "no property" authorizes an attachment in chancery on judgments rendered in the circuit courts.

Penalty for
drunkenness.

§ 15. If any person shall be drunk in the limits of said town, and disorderly on the streets or alleys thereof, he shall be fined five dollars.

Penalty for dis-
turbance public
assemblies, &c.

§ 16. If any person shall willfully interrupt or disturb a congregation assembled on or at any place of and for religious worship, or misuse or maltreat any person being there, or shall disturb or interrupt any lawful assembly or school or school exhibition, he shall be fined in a sum not less than ten nor more than fifty dollars, or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned, at the discretion of the jury.

Penalty for
permitting free
negro or slave
to remain upon
premises.

§ 17. If any person shall knowingly permit any slave or free negro, of which he is not the owner or has not the control, to remain in or upon his premises, or premises over which he has control, for more than two hours, without the written consent of the owner or controller of said slave, he shall be fined five dollars: *Provided*, This section shall not be construed to prevent husbands and wives of said free negroes and slaves visiting or remaining with each other during the night or on holidays.

Penalty for
selling or giv-
ing slave liquor.

§ 18. If any person, not the owner of the slave, shall sell, loan, or give ardent spirits to said slave, or shall suffer or permit the slave of another to have or drink ardent spirits upon his premises, or premises under his control, he shall be fined sixty dollars; and proof of any of the offenses enumerated in this section shall be a presumption of the guilt of the defendant, until the contrary is clearly proven.

Penalty for
giving or sell-
ing playing cards
to a slave or free
negro.

§ 19. Any person who shall give, sell, or loan any deck, or part of a deck, of playing cards, or any arrangement or devise for gambling, to a slave or free negro, shall be fined twenty dollars.

Penalty for
permitting slave
to go at large or
hire time.

§ 20. If the owner, hirer, or controller of any slave shall suffer or permit said slave to go at large, or to hire his or her own time, or to work for himself or herself, or any other, without the consent of said owner, hirer, or controller to do the specific act or work for which said slave is engaged, the said owner, hirer, or controller shall be fined five dollars; and any person who shall hire or employ any such slave shall be fined five dollars.

No place for the
assemblage of
colored persons
to be erected
without con-
sent of trustees,
&c.

§ 21. No place or house for the assembly of colored persons shall hereafter be located or erected within the limits of said town, for any use or purpose whatever, without the license and consent of the board of trustees of said town; and all such houses or places now existing in said town, and the assemblies of colored persons attending the same, and all such houses or places hereafter established and the

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persons attending the same, shall be regulated by ordinance, and also the conduct of persons going to and returning from such places, both free colored persons and slaves; and for any violation of any such ordinance, a free colored person shall be fined not less than ten dollars nor more than fifty dollars, and a slave shall receive not less than ten, nor more than thirty lashes, to be enforced before the police court of said town. And for good cause, the board of trustees may provide for the closing up any house or place of assembling of colored persons within said town, and may provide for silencing any preacher or teacher of colored persons for misconduct. And all assemblies of colored persons within said town shall be under the visitation of the police, and especially under that of the night police and watchmen.

§ 22. If any person shall sell, loan, or give, any spirituous liquors, or mixture of the same, to any minors, without the previous written consent of the father, mother, or guardian, attested by two witnesses, or shall suffer or permit any minor to have or drink any spirituous liquors, or mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars; and if he be a vender of ardent spirits by license, he shall be fined sixty dollars.

Penalty for giving or selling liquor to minors.

§ 23. If any person, other than the parent or guardian, shall sell, give, or loan, any pistol, dirk, bowie-knife, brass-knucks, slung-shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

Penalty for giving weapons to minors and slaves.

§ 24. If any person, other than the parent or guardian, shall sell, give, or loan, to any minor a deck, or part of a deck, of playing cards, or shall knowingly permit any minor to play cards on his premises, or premises under his control, he shall be fined ten dollars; and any minor having in his possession a deck, or part of a deck, of cards, shall be fined five dollars.

Penalty for giving or selling minor cards.

§ 25. The board of trustees shall have power to appoint not more than three policemen, who shall have the same power to execute process, arrest and apprehend violators of the penal and criminal law, and laws relating to the town of Harrodsburg, and town ordinances, that marshals have.

Trustees may appoint police.

§ 26. Upon the trial and conviction of any person in the police court of any crime or offense, he shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *fieri facias* may be issued, at any time thereafter, against the estate of the defendant or defendants, for the amount of the fine and costs until the same are satisfied.

Persons convicted in police court may be committed to jail until fine is paid.

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Officers to arrest disorderly persons.

§ 27. It shall be the duty of all peace officers and policemen to arrest all disorderly or drunken persons and take them before the police court, to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the arrest may commit him to the county jail, or work-house, or watch-house, until the next morning, when he shall be carried before the police judge or court, to be dealt with according to law; and the jailer of Mercer county is hereby directed to receive such persons, when arrested and in custody of such officer, in the night time, without an order of commitment.

Officers may take bail.

§ 28. The officer executing any process requiring bail, shall have authority to take the bail.

Chairman of trustees to act in absence of police judge.

§ 29. In the absence of the police judge from town, the chairman of the board of trustees of said town shall have the same authority and power that said judge has.

Appeals.

§ 30. In all cases, civil and penal, where the judgment, exclusive of costs, is twenty dollars or more, either party may appeal to the circuit court: *Provided*, Said appeal is taken and a copy of the record filed in said court within sixty days from the rendition of the judgment: *And provided further*, That the party, except where the Commonwealth is appellant, files a bond, as now required by law.

Sec. 8 of act to which this is an amendment amended.

§ 31. Section 8 of the act to which this is an amendment, is hereby so amended as to insert after the words, "some newspaper of the town for two months, by successive weekly publications," the words, "or by the service of a written copy of the order, signed by the chairman of the board of trustees and attested by the clerk, upon the parties to be affected thereby."

Trustees may assess tax to pay debts of town.

§ 32. The board of trustees shall have power to assess a tax, not exceeding twenty cents, on every one hundred dollars of the taxable property of said town. They shall have power to allow the marshal, in addition to his regular fees, such compensation as to them may be proper.

Trustees may sell, convey, & close up streets in said town.

§ 33. Said board shall have power to sell and convey, or lease or close up, any of the alleys or parts of alleys in said town, with the consent of a majority of the qualified voters thereof.

§ 34. The present officers of said town shall continue in office and perform all the duties required under this act until their successors are elected and qualified, as provided by law.

§ 35. This act shall not be construed to repeal any portion of the act to which this is an amendment, except those portions which conflict with this amendment.

§ 36. This act shall be in force from its passage.

Approved January 12, 1860.

CHAPTER 34.

1860.

AN ACT for the benefit of the Clerk of the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1, That the clerk of the Louisville chancery court shall cause to be made, in the names of plaintiffs and defendants, cross-indexes or alphabets to all the causes in said court, from its organization up to the present time.

§ 2. That when said indexes or alphabets shall have been made and approved of by the order of the chancellor of said court, he shall make a reasonable allowance therefor, to be paid by the city of Louisville and county of Jefferson, as follows: eleven sixteenths by the city of Louisville, and five sixteenths by the county of Jefferson.

Approved January 12, 1860.

CHAPTER 35.

AN ACT for the benefit of the Clerk of the Lincoln Circuit Court.

WHEREAS, It appears that Lincoln county is one of the oldest counties in this State, and that a general cross-index to the judgments of the Lincoln circuit court is absolutely necessary; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Lincoln circuit court forthwith provide the necessary books for making out the same.

§ 2. That the clerk of the Lincoln circuit court be, and he is hereby, required to make out and complete said general cross-index to the judgments of said court; and the county court is required to make such orders of allowance therefor, payable out of the county levy, as the Lincoln circuit court may make and certify, upon having the same valued by two commissioners, appointed and sworn by said circuit court for that purpose.

Approved January 12, 1860.

CHAPTER 37.

AN ACT for the benefit of I. E. Johnson, late Sheriff of Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That I. E. Johnson, late sheriff of Rowan county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect all taxes

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and county levies from delinquents, muster fines and fee bills in his hands; and he is hereby authorized and empowered to distrain for and collect the same, any law to the contrary notwithstanding, subject to the same rules and regulations that sheriffs are governed by.

Approved January 12, 1860.

CHAPTER 39.

AN ACT to incorporate the Board of Education of the Kentucky Annual Conference of the Methodist Episcopal Church, South.

WHEREAS, The Kentucky Conference of the Methodist Episcopal church, South, have resolved to form an educational fund, and establish a college for the promotion of literature, science, morality, and religion, within the limits of said conference; and having, in fact, secured the sum of fifty-seven thousand dollars in cash and in good and reliable notes, and located an institution at Millersburg, Bourbon county, which is now ready for occupancy; now, in order to give full and complete legal effect thereto,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style, and corporate powers.

§ 1. That the Rev. W. C. Dandy, Rev. Daniel Stevenson, Rev. John H. Linn, Rev. John W. Cunningham, Rev. John C. Harrison, Rev. Robert Hines, David Thornton, Moreau Brown, Hiram Shaw, B. P. Tevis, William Nunn, and A. G. Stitt, and their successors in office, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Board of Education of the Kentucky Conference of the Methodist Episcopal Church, South, with the right and power of exercising, all and singular, the privileges, incidents, and capacities of corporations aggregate; to sue and be sued, implead and be impleaded, grant or receive, contract or be contracted with, and do and perform all other proper and necessary acts and things as natural persons; to purchase and hold lands or other real estate and personal property, as the educational fund of said conference; to have and use a common seal; and change the same at pleasure; to appoint an executive committee of its own body, or of other persons members of said church; to take charge of college buildings and grounds, with such other powers as may be granted by the board of education, and within the provisions of this act of incorporation; to make by-laws and ordinances for the proper conduct and government of said college: *Provided*, Said by-laws and ordinances shall not be inconsistent with the constitution and statutes of the State; to elect or appoint a president and such professors, who shall compose the faculty of said college, as they may think proper, and

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any teachers or assistants that they may think fit; to establish, change, or abolish professorships, as the exigencies or interests of the college may require; to fix the salaries of professors and teachers; and to do and perform all other acts necessary or expedient in sustaining said fund, and for the proper conduct of said college, so as to render them successful in accomplishing the great object of their establishment, subject to the confirmation of the conference.

§ 2. That the members of this board, to be hereafter appointed, shall be elected by the Kentucky Conference of the Methodist Episcopal Church, South, at its annual sessions, in the following manner, to-wit: The board shall be divided into three sections, each section composed of an equal number of ministers and laymen. One section shall go out of office at each annual session of the conference. The order in which the sections of the present board shall be retired, shall be determined by lot among themselves. Each section shall continue in office until their successors are duly appointed and prepared to enter on the discharge of their duties. The said conference may, at their pleasure, change the number of the board; but there shall never be less than twelve or more than eighteen. A majority of the board shall constitute a quorum for the transaction of business: *Provided*, Such official notice of time and place has been given as the board may direct. In the event of a vacancy in the board of education, by death or resignation, the same may at any time be filled by the remainder of the board, at any meeting of the same. The board shall meet at the time of commencement of the college at Millersburg, and at such other times as the board may determine.

§ 3. That the board of education shall report their acts annually to the conference, and make a full exhibit of the amount of funds in their hands, the manner of investment, and a list of disbursements, &c.

Board of education to report to conference.

§ 4. That the treasurer of said educational fund, who shall be a member of the board of education, shall give bond and security to the president of the board for twice the amount of funds placed in his hands.

Treasurer to give bond.

§ 5. That the money paid into the hands of the treasurer, as the educational fund, shall be invested in Kentucky State bonds, county bonds, or safe and profitable stocks, as the judgment of the board may determine, except the amount necessary to pay for the present college building. The principal of the invested fund shall never be used for any purpose whatever, and the interest thereon applied to the support of the faculty, and to no other purpose.

How money paid into treasury to be invested.

§ 6. That the board may hold property, real and personal, to the amount of three hundred thousand dollars.

May hold real estate.

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Faculty may
confer degrees.

§ 7. That the faculty of said college shall have authority to confer degrees, as they may think just and proper, and to make all such needful rules and regulations in regard to the conduct of the pupils and to the course of exercise and instruction that they may deem best; subject, however, at all times to the control of the board of education, who may reject, revoke, modify, or change the same, as they may think proper.

Property ex-
empt from tax-
ation.

§ 8. That the property and estate, real and personal, held and owned by the board of education under this act, shall be free and exempt from taxation, whether the same be for State, county, or corporation purposes.

§ 9. When the educational fund shall amount to one hundred thousand dollars, paid in and invested, then, in that event, all receipts of said college in tuition fees, over and above contingent expenses, shall be added to the principal of said fund.

When college
may be opened.

§ 10. That said college shall not be opened for the reception of students until at least forty thousand dollars of the educational fund, in addition to the cost of the building, has been collected and invested.

§ 11. That "An act to incorporate the Millersburg Male and Female Collegiate Institute," approved February 16, 1858, be, and is hereby, repealed.

§ 12. That this act shall take effect from its passage; but the Legislature reserves the right to amend or repeal the same.

Approved January 12, 1860.

CHAPTER 41.

AN ACT for the benefit of the sheriff of Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Spencer county may have time until the 1st of April, 1860, to collect and pay in the revenue of said county for the year 1859; and no action shall be maintained against the legal representative or sureties of George R. Kurtz, late sheriff of said county, for his failure to collect and pay in said revenue.

§ 2. This act to take effect from its passage.

Approved January 12, 1860.

CHAPTER 43.

1860.

AN ACT for the benefit of James H. Priest, late sheriff of Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James H. Priest, late sheriff of Henderson county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect his fee bills and arrears of taxes, and other fees due him as sheriff aforesaid, and may distrain for the same: *Provided*, That he and his sureties shall be liable to all the penalties imposed by existing laws for issuing illegal fee bills.

Approved January 13, 1860.

CHAPTER 45.

AN ACT to incorporate the Paducah and Russellville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Campbell, D. Watts, G. H. Morrow, D. A. Given, James B. Husbands, William F. Norton, L. M. Flournoy, A. P. Thompson, J. M. Bigger, R. S. Ratcliffe, J. Q. A. King, G. W. Ewing, G. W. Norton, W. B. Machen, P. D. Yeiser, and Thomas F. Terrell, with such others as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the "Paducah and Russellville Railroad Company," and by that name to sue and be sued, plead and be impleaded, in any court; to make and have a common seal, and the same break and alter and renew at pleasure; and this company is hereby vested with all powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and said company is hereby authorized and empowered to locate, construct, and finally complete a single, double, or treble railroad or way from some suitable point in, at, or near the city of Paducah, Kentucky, to the town of Russellville, in Logan county, Kentucky, on such route as shall be deemed best and most expedient, and transport, take, and carry property and persons upon said railroad or way by the power and force of steam, of animals, or of any other mechanical or other power, or any combination of them which said company may choose to apply; and for the purpose of constructing said railroad or way, the said company is hereby authorized to lay out the road not exceeding one hundred feet wide through the whole length; and for the purpose of depots, cuttings, and embankments and for the purpose of necessary turnouts, and for obtain-

Corporate names.

Name and style, and corporate powers.

Route of road, &c.

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ing stone and gravel, may take as much more land as may be necessary for the construction and security of said road, with permission to make any lawful contract with any other railroad corporation in relation to the business of said company, and also to make joint stock with any other railroad corporation: *Provided*, That all damages that may be occasioned to any person or corporation by taking any such land or materials aforesaid for the purpose aforesaid, shall be paid for by said company in the manner hereinafter provided.

Capital Stock.

§ 2. That the capital stock of said company shall not exceed two millions five hundred thousand dollars, to be divided into shares of fifty dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company shall direct: *Provided*, That said company may commence the construction of said road, with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed two hundred and fifty thousand dollars.

When may
commence road

When books

§ 3. That the persons named in the first section of this act, or a majority of them, shall open books to receive subscriptions to the capital stock of said company, at such times and places as they, or a majority of them, may appoint, and shall give such notice of the time and place of opening said books as they may deem reasonable, and shall receive said subscription under such regulations as they may adopt for the purpose; and if more than five thousand shares of stock shall be taken or subscribed, they shall have the power to make the shares as subscribed the capital stock of said company: *Provided*, They shall not exceed fifty thousand shares; and in case the subscription should exceed fifty thousand shares, the same shall be reduced and apportioned in such manner as may be deemed most beneficial to the corporation.

Affairs to be
managed by a
board of direct-
ors.

§ 4. That the immediate government and direction of the affairs of said company shall be vested in a board of directors, to consist of twelve persons, who shall be shareholders, who shall be chosen by the stockholders of said company in the manner hereinafter provided, and shall hold their offices until others are duly elected and qualified to take their places as directors; and the said directors, seven of whom, the president being one, shall be a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of said company. They shall also choose a secretary and such other officers as they may deem necessary, and a treasurer, who shall give bond with surety to said company, in such sum as the directors may require for the faithful performance of his trust.

Quorum.

Officers to be
elected.

§ 5. That the persons authorized by the third section of this act to open the books for subscription to the capital stock, are hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed two hundred and fifty thousand dollars, to call the first meeting of the stockholders of said company in such way, and at such time and place as they may appoint, for the choice of directors of said company; and in all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote may be given by the stockholder in person or by lawful proxy; and the annual meeting of the stockholders of said company for the choice of directors shall be holden at such time and place, and upon such notice, as the said company in their by-laws may provide.

§ 6. That in case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, said company shall not for that cause be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors of said company; and said directors shall have the power to fill any vacancy which may occur by death, resignation, or otherwise.

§ 7. That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of said company, not contrary to this charter or the laws of this State or of the United States, the transfer of shares, the duties and conduct of their officers and servants touching the election of and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company. Said company is also hereby authorized to purchase, receive, and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted; and may by their agents, surveyors, engineers, and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out, and construct the same, and to agree and contract for the land or the right of way with the owners through which they may intend to make said road. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such; or in case of the same belonging to a minor, or person *non compos mentis*, then with his or her guardian or guardians; or in case said lands be held by trustees of school sections, or the trustees of estates, then with such trustees; and the said executors, administrators, guardians, and trustees, are hereby declared competent for such estate or minor to contract with said company for the right to use,

• 1860.

When first meeting to be called, and company organized

Company not to be dissolved if election not held on the day specified.

May make by-laws.

May purchase and hold real estate, & how land, ac., to be acquired.

1860.

occupy, and possess the lands of such estates, minors, or trustees, so far as may be useful or necessary to the purpose of said railroad; and the act and deed of such executors, administrators, guardians, and trustees, in relation thereto, shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian, or trustee, shall account to those interested upon their respective bonds for the amount paid him in pursuance of such agreement and compensation; and if the said company and parties representing lands prefer, they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms.

Writs of *ad quod damnum* may be issued.

§ 8. That if the said company cannot agree with the owner of the land through which they may desire the road to pass, or with the executor, administrator, guardian, or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, or trustee, at least five days before such day, if they be within his county, or if out, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted and fixed on the dwelling-house, if such there be, or in a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land at least three weeks, by weekly insertions, prior to said day; and then cause said jury, after being duly sworn by said sheriff or justice of the peace, to make true inquest of the damage that will be sustained by such owner or estate by reason of making such road through such land. If any such juror shall fail to appear, or by reason of challenge, for cause or otherwise, fail to sit on such inquest, said sheriff shall fill said jury from the by-standers; and if they fail to render a verdict, the said sheriff shall again, on the same or a subsequent day, impanel a new jury or juries, until a verdict be had. Such verdict and inquest, regularly certified by such sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records; and such verdict shall vest in said company the right to occupy and use such land for the purposes of said railroad, on the payment, or tender of payment, of the damages thereon assessed against said company; and in

1860.

case of persons absent or unknown, as aforesaid, the placing of the amount of damages to the credit of the owner in the hands of the clerk of the county court for the county in which such lands may lie, shall be deemed and taken as payment; and such clerk shall be liable on his bond to make due payment of said money on demand.

§ 9. That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence aforesaid; in which case thirty days shall be allowed him, and five days in addition are allowed him for every additional jury which he may have under said writ; and for every default therein the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty, nor more than one hundred dollars; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance. Of all such fines, as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fees to the clerk of the circuit court: For every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquests, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printer's fees, not exceeding two dollars in each case; for holding inquest, five dollars; and for summoning witnesses, twenty-five cents each; to jurors, seventy-five cents per diem each; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs and paid by the company: *Provided, however*, That before the application for said writ, the said company may make a tender to the owner or owners of any such land the sum of money by them deemed equivalent to the damage to be sustained; and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owners of the land upon which inquest is held.

§ 10. That said company is hereby authorized to construct, erect, build, and use a single, double, or treble railroad or way of suitable width and dimensions, to be determined by the directors of said company, on the line or course by them designated; and also, under the same rules and regulations and restrictions, and with the like privileges and immunities as are herein granted to the main railroad, to build and construct branch railroads on either side of the main road, not exceeding fifty miles in length; and shall have the power to regulate the time and manner in which goods and passengers shall be transported, taken, and carried on the same; and shall have power to erect and maintain toll-houses and other buildings for the accommodation of their concerns, as they may deem suitable for their interest.

Sheriff to hold inquest within ten days after issuing writ.

Company may use a single or double track.

Rates of transportation to be regulated.

1860.

§ 11. That it shall be lawful for the company hereby incorporated, from time to time, to fix, regulate, and receive the toll and charges by them to be received for the transportation of persons or property on their railroad or way aforesaid, hereby authorized to be constructed, erected, built, or used, or upon any part thereof.

Penalty for injury or obstruction to road, &c.

§ 12. That if any person or persons will or shall willfully do or cause to be done any act or acts whatsoever, whereby any building, construction, or works of said company, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said company double the amount of damages sustained by reason of such offenses or injury, to be recovered in the name of said corporation, with costs of suit, by the appropriate action.

How capital stock paid.

§ 13. That the directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times and in such proportions and upon such conditions as they may deem fit; and in case any stockholder shall neglect or refuse to make payment, pursuant to the requisition of the board of directors, the stock of such stockholder may be sold by the directors of said corporation at public auction, after the lapse of ninety days from the time when the payment became due; and the surplus money, the avails of such sale, after deducting the payments due and interest thereupon, and the necessary expenses of sale, shall be paid over to such delinquent stockholder.

Property of company liable to taxation.

§ 14. That the property owned by said railroad company shall at all times be subject to taxation, in the same manner and to the same extent as similar property owned by private individuals.

May borrow money.

§ 15. That said Paducah and Russellville Railroad Company is hereby authorized and empowered to borrow money on the credit of said corporation, to an amount not exceeding one million of dollars, at any rate of interest not exceeding ten per cent per annum, which said board of directors, in their discretion, may agree in writing to pay; and the said railroad company may issue such evidences of such indebtedness as may be deemed proper, and secure the payment of the same by giving a lien upon the property and assets of the company by mortgage or otherwise; and the said bonds or evidences of debt the said company may sell at such places as to them may seem advisable, and at such rate of discount as they may choose.

May receive donations of land, &c.

§ 16. That said railroad company may receive donations in land, or subscriptions to stock in land, in aid of the construction of said road and equipping the same; and said

railroad company may also purchase, hold, and enjoy any real estate that may be convenient and beneficial to their interests; and said railroad company may sell and dispose of any real estate they may own or acquire, and convey the same to the purchaser or purchasers.

§ 17. That if said railroad shall not be commenced within ten years from the passage of this act, and shall not be finished within twenty years, then this act shall be null and void.

§ 18. That the Legislature reserves the power to amend or alter this charter.

Approved January 14, 1860.

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When not to be void.

CHAPTER 46.

AN ACT for the benefit of Jarvis Jackson.

WHEREAS, It is represented that in the year 1831 or '32, Jarvis Jackson entered into an agreement with James Terrill, John B. Dysart, and Richard Randall, on behalf of the Commonwealth of Kentucky, who were duly appointed and authorized by law to construct a bridge across Rockcastle river, where the Wilderness turnpike road crosses the same, to finish a bridge according to a plan adopted by them within twelve months from the date of the contract; which bridge was to be built upon stone pillars, two of which had been begun by said commissioners previous to said agreement, for which Jackson was to receive \$3,000, and did receive \$1,500 in par money and \$1,000 in turnpike funds, worth about ninety cents to the dollar; said Jackson at great expense nearly finished the stone work, and had prepared all the timber and materials for the completion of the bridge, but was prevented from finishing it by the prevalence of the cholera, until it was too late to have a scaffold in the river during the inclement season of the year; and the Legislature gave Jackson the further time of twelve months from the 5th day of February, 1834, to complete the bridge; during which time the stone work done by the commissioners upon which said Jackson built gave way, rendering it dangerous, if not impracticable, to erect a bridge upon them; and whereas, a judgment has been obtained against one of Jackson's securities by said commissioners, in the Garrard circuit court, in the year 1838 or '9, for the sum of \$800, the estimated cost of finishing the bridge, (disregarding the unpaid \$500 and the discount on the \$1,000 paid Jackson,) which judgment has never been paid, or any part of it, except \$150 to W. H. Wilson, attorney for said commissioners; and said matters are still in controversy. Now, therefore, to settle said controversy on principles of equity and justice,

1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Garrard circuit court is hereby directed to appoint a commissioner to hear proof as to the condition of the pillars on which said bridge was to be built previous to the first day of February, 1835; and if he should be of opinion that they were insufficient to sustain the bridge at that time, and the same would have been dangerous and impracticable, he shall ascertain, as near as may be, what proportion of the whole work, according to his agreement, Jackson had performed; and if he has not received more than an equal proportion of the price agreed to be paid for the whole work, then the judgment named in the preamble hereof is to be null and void. If the amount paid him exceeds such equal proportion, then the excess is to be collected, and no more. Before acting, said commissioner is to take an oath faithfully to discharge the duties of his commission. He is to be paid \$3 per day for his services by said Jackson, who is to pay all the costs incident to the commission.

§ 2. If Jackson has received more money than he was entitled to on the basis of settlement herein provided for, the commissioner will credit such excess with the costs of this commission and the \$150 paid W. H. Wilson, and to the extent of the residue, if any; he will collect said excess, and cancel the residue of the judgment, and pay the same over to the Wilderness turnpike gate, in Rockcastle county, to be applied to the improvement of the road, according to the existing laws.

§ 3. All further proceedings at law to be suspended for six months from the February term, 1860, of the Garrard circuit court, to enable Jackson to adduce his testimony before said commissioner.

§ 4. This act to be in force from its passage.

Approved January 14, 1860.

CHAPTER 47.

AN ACT to amend the charter of the Paris and Townsend Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
of Bourbon may
take stock.

§ 1. That the county court of Bourbon county, a majority of its justices being present, may subscribe for stock in the Paris and Townsend turnpike road company, which company has been incorporated by orders of the Bourbon county court, under the laws authorizing county courts to grant charters to turnpike road companies; but said subscriptions of stock shall not exceed at the rate of seven

hundred and fifty dollars per mile for each mile of road proposed to be made by said company, and for the making of which enough of *bona fide* subscriptions of stock by individual stockholders, who are able to pay the amount subscribed by them, have been made, which, when added to the county subscription, shall be sufficient to complete the same.

1860.

§ 2. Said county court, at its April term, 1860, may, a majority of its justices being present, or at any other term of said court, when there shall be such majority present, levy a tax upon all the taxable property of the citizens of said county, to pay said subscription of stock; said tax to be collected and accounted for by the sheriff of the county in the same manner and under the same liabilities that the revenue tax is to be collected and accounted for; but the same to be paid to the treasurer of said county on the 1st of January next after the making of such levy.

May levy tax to pay for stock.

§ 3. That the stockholders in said company, who reside along the line of the road made by said company, shall, for each one hundred dollars of stock subscribed and paid by them, be exempt for one hand in working dirt roads outside the road precincts in which they reside, and as they are at this present time described by boundary.

Approved January 14, 1860.

CHAPTER 48.

AN ACT to empower the county court of Bourbon county to make subscriptions to the capital stock of turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, the county court of the county of Bourbon, a majority of the justices of the peace of said county being present and concurring, be, and hereby is, authorized and empowered to subscribe stock, for and on behalf of said county, to all turnpike companies which have been or shall hereafter be incorporated by said county court, or by the Legislature of the State: *Provided*, That said subscription shall not exceed seven hundred and fifty dollars for each mile of road within said county, and shall not be paid over to the officers of the company except upon the completion of each mile, or upon the court being satisfied that means are in the hands of the company to insure its completion.

§ 2. Said county court, a majority of the justices of the peace of the county being present and concurring, shall have power to levy a tax upon all the property in said county subject to taxation for revenue purposes, sufficient for the purpose of paying said subscription of stock; said tax to be collected in the same manner and by the same

1860. officers, under the same liabilities and penalties, that the revenue tax is now collected.

§ 3. This act shall take effect from and after its passage.

Approved January 14, 1860.

CHAPTER 50.

AN ACT to amend an act to establish the Police Court of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of Winchester shall have jurisdiction, within the limits of the magistrate's district in which the town of Winchester is situated, of all civil causes of which justices of the peace have jurisdiction; and he shall hold his courts for the trial of civil actions in Winchester on the first Saturdays in every month.

§ 2. That in case of a vacancy in the office of marshal of the police court of Winchester, occasioned by death, resignation, removal, or otherwise, it shall be filled by an election for the remainder of the term, upon due notice of the time and place of election.

§ 3. That when said police judge fails to attend any of his regular courts for the trial of civil actions, it shall be lawful for the nearest justice of the peace, or the chairman of the board of trustees of Winchester, to hold said court and render judgments for him, which shall be entered upon his record as though rendered by himself, and executions issue thereon accordingly.

§ 4. That an appeal shall be had from the judgment of such police judge to the quarterly court of Clarke county, as now prescribed by law of appeals from the judgment of a justice of the peace.

§ 5. This act shall take effect from its passage.

Approved January 14, 1860.

CHAPTER 51.

AN ACT to amend an act establishing an additional voting place in Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act establishing an additional voting place in Lawrence county," approved February 13, 1858, be, and the same is hereby, so amended as to make it lawful for, and to allow the voters of said voting district to elect two justices of the peace and a constable for the

same, the election to be held under the same rules and regulations as now required by law for similar elections.

1860.

§ 2. That the first election under this act shall be held on the first Monday in May, 1860, and notice of the time and place of holding such election shall be published by written notice posted up at the voting place in said district, at least one month before the day of election.

§ 3. That the officers elected under this act shall hold their respective offices until the next general election for justices of the peace and constables in the Commonwealth, when an election shall again be held in said district for justices of the peace and a constable, and every four years thereafter, as required by existing laws.

§ 4. The Secretary of State shall supply the justices that shall be elected with a copy of the Revised Statutes of this Commonwealth.

Approved January 14, 1860.

CHAPTER 52.

AN ACT to incorporate the Mortonsville and Lexington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, for the purpose of constructing a turnpike road from a point on the Versailles and McCoun's Ferry turnpike road, opposite the brick house of D. Boone, running through Mortonsville, and through the lands of Josiah Felix, Mrs. C. Ford, and Z. Ford, to intersect the Versailles and Munday's Landing turnpike road, between the houses of C. A. Harris, and John Arnold, at any point the commissioners may designate. The capital stock of said road shall be \$15,000, divided into shares of fifty dollars each; but the same may be increased, from time to time, by additional subscriptions, in the manner and form that the president and directors of said company may direct, if the enlargement shall be found necessary to complete said road.

Company formed, and route of road.

Capital stock.

§ 2. That books of subscription for stock in said company shall be opened in the town of Mortonsville, on the 1st Monday in March, 1860, or any other day to be named by the commissioners. Josiah Felix, James D. Carpenter, Z. Ford, James Carter, and Ben. Wilson, are appointed commissioners, any two of whom may act; and the subscribers of stock in said road shall enter into an obligation to pay to the president and directors thereof the sum of fifty dollars for each share of stock subscribed, in the manner and at such times as may be required by the said presi-

When books for subscription of stock to be opened.

1860.

dent and directors; which obligation may be enforced in the proper courts.

When company
may be formed.

§ 3. That when seventy-five shares of the capital stock of said company shall have been subscribed, the commissioners aforesaid, or any two of them, shall call a meeting of the subscribers to be held in Mortonsville, on some day to be fixed by them, of which meeting they shall give at least twenty days notice by posting the same in Mortonsville, for the purpose of electing a president and four directors, to serve until others are elected and qualified; and that all subsequent elections shall be on the first Monday in May, in every successive year, in the town of Mortonsville; and said election shall be confined to stockholders.

Name and
style.

§ 4. That the company formed as aforesaid shall be, and is hereby, created a body politic and corporate, in deed and in law, by the name and style of the "President and Directors of the Mortonsville and Lexington Turnpike Road Company," and under the style and name aforesaid shall have perpetual succession, and all the privileges, immunities, and franchises of bodies politic and corporate; and as such shall be capable of contracting and being contracted with, of purchasing, taking, and holding, to them and their successors and assigns, and of selling and conveying in fee-simple, all such lands and tenements and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all judicial tribunals whatsoever, and also to make, have, and use a common seal, and the same to break, alter, and renew; and to do any and every act which bodies politic and corporate may lawfully do.

§ 5. That the whole width of said road, and the part to be covered with stone, and the grade of said road, shall be fixed and regulated by said president and directors of said road; and they shall have power and authority to erect a toll-gate as soon as one mile of said road is completed. The rates of toll on said road shall be the same as is allowed on the Versailles and McCoun's Ferry turnpike road.

Provisions of
other acts ap-
plicable.

§ 6. That the provisions of the 7th and 8th sections of an act, entitled "An act to incorporate the Ford's Mill turnpike road company," approved February 15, 1858, be, and the same are hereby, made part of this charter, so far as they do not conflict with this act.

To keep record
of proceedings.

§ 7. Said president and directors shall keep a record of their proceedings, and may appoint a clerk and treasurer. Said president and directors shall have the power to acquire the right of way, for said road, stone quarries, and land for toll-gates, to the extent and in the manner authorized by the 103d chapter of the Revised Statutes.

§ 8. That the judge of the Woodford county court, a majority of the justices of said county concurring, may subscribe and take stock in said road.

1860.

Judge of
Woodford co'y
may take stock.
Votes.

§ 9. At all elections the stockholders shall be entitled to one vote for each share of stock held.

§ 10. The treasurer of said company shall, if required, enter into a bond to the president and directors, with an adequate penalty, to be fixed by them, for the faithful discharge of his duties.

Treasurer to
give bond.

§ 11. This act shall take effect from its passage, and may be repealed, altered, or amended by the Legislature.

Approved January 14, 1860.

CHAPTER 53.

AN ACT to legalize the proceedings of the Casey County Court, at its October term, 1859.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the orders and proceedings of the Casey county court, in relation to the construction of turnpike roads in and through said county, made at the October term, 1859, of said court, be, and they are hereby, legalized.

§ 2. That the county court of said county is hereby authorized and empowered to subscribe stock, not exceeding five hundred dollars per mile, to all companies which have been or which may hereafter be incorporated in said county, for the purpose of constructing any turnpike, plank, gravel, or other artificial road proposed to be constructed in or through said county.

§ 3. That the subscriptions authorized by this act shall be levied by said court on all the property in Casey county assessed for taxation, and the amount thereof be collected at the same time the county levy of said county is collected: *Provided*, That not exceeding ten cents on each one hundred dollars' worth of property in said county shall be levied in any one year.

§ 4. This act shall take effect from and after its passage.

Approved January 14, 1860.

CHAPTER 54.

AN ACT to amend an act to charter the German Insurance Company, of Louisville, approved 9th March, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to charter the German Insurance Company, of Louisville," approved on the

1860.

9th day of March, 1854, be so amended as to allow said company to elect seven directors, who shall manage the business of said corporation, to be elected and to hold their offices as provided in the original act of incorporation.

§ 2. That each share of stock up to five shall be entitled to one vote; every ten shares to eight votes; fifteen shares to ten votes; twenty shares to thirteen votes; twenty-five shares to fifteen votes; thirty shares to seventeen votes; forty shares to twenty votes; fifty shares to twenty-two votes; sixty shares to twenty-five votes; and every additional ten shares over sixty to two votes.

§ 3. This act shall be in force from and after its passage.

Approved January 14, 1860.

CHAPTER 55.

AN ACT for the benefit of William Mullins, Sheriff of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William Mullins, late sheriff of the county of Wayne, be, and is hereby, allowed the further time of two years from and after the first day of January, 1860, to collect any and all arrearages of revenue and county levies that fell due during his term of office of sheriff, as aforesaid, and for which he is responsible, together with his own fee bills during his term of office, and which retain their distrainable quality; and he is hereby authorized and empowered to distrain for, and collect the same, any law to the contrary notwithstanding, subject to the same rules, penalties, and regulations that sheriffs of this Commonwealth are now governed by. This act to take effect from the first day of January, 1860.

Approved January 14, 1860

CHAPTER 56.

AN ACT to amend the charter of the City of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section second, in article fifth, of an act, entitled "An act to incorporate the city of Paducah," approved March the 10th, 1856, as exempts the inhabitants of said city from the payment of any other poll-tax, except for city purposes, be, and the same is hereby, repealed; and that hereafter the inhabitants of the city of Paducah shall be subject to pay a poll-tax, for county pur-

Act preventing
citizens from
paying poll tax
repealed.

1860.

poses, as same as the other inhabitants of said county outside the city limits.

§ 2. That hereafter, when the city of Paducah shall incur any expense in taking care of or providing for the poor of said city, or in rightfully doing any other thing by which said city shall incur expense, and which would, under the general laws of this Commonwealth, be a legitimate charge upon the county of McCracken, then, after the same shall be paid by said city, the county court of McCracken county, at its levy term, shall make an allowance in favor of said city of Paducah for all moneys thus paid by her, as aforesaid: *Provided, however,* That the sum to be allowed said city shall never exceed the amount of poll-tax actually paid by the inhabitants of said city in each year, respectively; the same to be ascertained by the report of the sheriff of McCracken county, whose duty it shall be to make his report annually to the county court of said county, at the county levy term of said court, of all poll-tax by him collected off of the inhabitants of said city of Paducah during the whole of the preceding year.

Allowance to be made in favor of poor of said town.

§ 3. That hereafter all the lands and lots within the present corporate limits of Paducah, whether the same be laid off into lots, or the lots built upon or not, shall be subject to taxation by the authorities of said city, the same as any other property in said city. And so much of the ninth section of article eleven, in the charter of Paducah, approved March 10th, 1856, aforesaid, which is in conflict with this act, be, and the same is hereby, repealed.

Lots in said town subject to taxation.

§ 4. That this act shall take effect from and after its passage.

Approved January 14, 1860.

CHAPTER 57.

AN ACT authorizing the Trustees of Elizabethtown to appoint a Marshal, and said Marshal to appoint a Deputy.

WHEREAS, It is represented to the present General Assembly of the Commonwealth of Kentucky that the town marshal of Elizabethtown, in Hardin county, has departed this life; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present trustees of Elizabethtown be authorized to appoint a town marshal for said town, to fill the vacancy occasioned by the death of George W. F. Strickler, late marshal.

§ 2. That said marshal, when so appointed, shall give bond and security, and have all the powers which his predecessors had, and be governed by the laws now in existence in relation to Elizabethtown.

1860.

§ 3. That the said marshal, and all marshals hereafter elected in said town, shall have power to appoint a deputy, to be sanctioned by the board of trustees, and to take the oath of office as required now of the marshal.

§ 4. This act to take effect from its passage.

Approved January 14, 1860.

CHAPTER 58.

AN ACT to authorize the County Court of Anderson county to levy and collect a tax for certain purposes.

WHEREAS, It is represented to the General Assembly that the court-house, circuit and county court clerks' offices, of Anderson county, were consumed by fire on the 3d day of November, 1859; and that the county levies of said county, when collected, after defraying the expenses of said county, are insufficient to rebuild the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That it shall and may be lawful for the county court of Anderson county, a majority of the justices of the peace for said county being present and concurring therein, to levy and collect such an *ad valorem* tax upon the real and personal property assessed for revenue purposes, as may be sufficient to build a court-house, circuit and county court clerks' offices: *Provided*, That said tax shall be levied and collected in not less than two annual installments; nor shall the gross amount of said tax, when collected, exceed the sum of fourteen thousand dollars.

§ 2. The sheriff of the county for the time being shall collect said tax at the same time, and in the same manner, that the revenue of the State is collected, and for the same rate of compensation; and shall account to and with the county court, and pay over the same when legally required so to do; and for a failure to settle and account for, or to pay over, said tax, he, and his sureties on his official bond, shall be subjected to the same motions, suits, and remedies as may now be had against sheriffs for failure to settle and account for, or pay over, the county levy.

§ 3. This act shall take effect from and after its passage.

Approved January 14, 1860.

CHAPTER 59.

1860.

AN ACT authorizing William H. Payne, Judge of Warren county court, to qualify as executor of his deceased mother.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, passed and approved on the 17th day of February, 1858, it is made unlawful for any county judge, or clerk of any county court, to be appointed executor, administrator, or guardian, in the county in which he holds said office, and accept said appointment and act thereunder; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William H. Payne, the present judge of the county court of Warren county, be, and he is hereby, authorized to qualify as executor of his deceased mother, Mrs. Catharine T. Payne, according to the appointment in said Catharine's will; and that one of the justices of the town district, in said county of Warren, be, and he is hereby, authorized and directed to receive the proof of the will of the said Catharine, and to order the same to record, and in all things to have the same power as if he was the acting county judge of said county; to receive the bond and securities of the said William H. Payne as executor as aforesaid, and to settle with said Payne his accounts as executor, and order the same to record; and all the acts, orders and proceedings of said justice shall be as binding and obligatory upon the said William H. Payne and his securities as though he was the acting judge of said county court of Warren. This act to take effect from its passage:

Approved January 14, 1860.

CHAPTER 60.

AN ACT to amend the charter of the Jefferson Insurance Company, of Louisville.

WHEREAS, The Jefferson Insurance Company, of Louisville, are desirous of changing the mode of their business from that of a stock company to the mutual plan of business; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Jefferson Insurance Company be, and the same is hereby, altered and amended so as to allow said company to transact its business upon the plan as herein set forth. In the month July of each year the profits of the year shall be ascertained, and, if found sufficient, shall be divided as follows: ten dollars per share shall be declared in cash, payable to the stockholders, and all the remaining profits shall be divided to policy-holders

How profits divided.

1860.

of cargo insurances; and scrip shall be issued to them for such sums as they shall be respectively entitled to, in proportion to the amount of premiums paid by each, which scrip shall be entitled to interest at the rate of six per cent. annually; but no scrip shall be issued for a less sum than five dollars; and each scrip for a larger sum shall only be for an exact multiple of five dollars.

Fund represented by scrip to be liable for losses, &c.

§ 2. The fund represented by said scrip shall be applicable to its entire extent for all losses and expenses exceeding the profits of any year; each later annual issue of scrip to be first reduced or wholly cancelled before any previous annual issue is reduced; and all the annual issues to be canceled before the capital of the company, or any portion thereof, shall be applicable to such losses.

When fund shall amount to \$150,000, stock of company to be taken in.

§ 3. Whenever the fund represented by the outstanding scrip shall amount to one hundred and fifty thousand dollars, the entire stock of the company shall be taken in, and the stockholders shall be paid the cash value thereof, and a bonus in addition of ten dollars on each share; the directors in the meantime, however, may purchase the stock at a price not exceeding its value on the books of the company: *Provided*, Such purchase shall at no time diminish the assets below the present paid up and secured capital.

Whenever stock to be called in, notice to be given.

§ 4. Whenever the directors find the company in a position, according to section third, to call in the entire stock, notice thereof shall be given in two of the daily papers of the city of Louisville during five consecutive days, of their intention to do so, and all dividends or interest on said stock shall thenceforth cease.

When stock to be applied to redemption of scrip.

§ 5. After the stock has been absorbed, the excess of the funds, represented by scrip over one hundred and fifty thousand dollars, shall be applied to the redemption of the scrip, the earliest issue to be first redeemed.

Voter.

§ 6. Each share of stock and each one hundred dollars of scrip shall entitle the holder to one vote at any election for directors, or at any meeting of scrip and stockholders.

§ 7. All amounts, the scrip for which shall not be taken within one year from its date, shall be forfeited and become the property of the company.

§ 8. This amendment shall take effect when accepted by a majority of the directors and recorded on the minutes of their proceedings.

§ 9. Such portions of the charter as may conflict with this amendment are hereby repealed.

Approved January 14, 1860.

CHAPTER 61.

1860.

AN ACT for the benefit of T. Surber and his deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Thomas Surber, late sheriff of Pulaski county, and his deputies, have the further time of two years to collect any arrearages of taxes, county levies, and fee bills, that may have been put in their hands for collection during the years 1851 and 1852, with the same powers to coerce payment which they had by law during the time they were in office.

Approved January 14, 1860.

CHAPTER 63.

AN ACT to incorporate the town of Uniontown, Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Uniontown, in Union county, is hereby incorporated, with the following boundaries: Beginning on the Ohio river, at low water mark, at a stake twenty-five feet below the mouth of the slough, immediately below Funk's pork-house; thence north 55 degrees east, far enough to intersect the line of Seventh street, to the eastern corner of block No. 37; thence from said corner a direct line to the southeastern corner of the plat of Francisburg, in Seventh street; thence up Seventh street of said plat far enough to include out-lot No. 7; thence with said out-lots to Highland creek, and down said creek to the river.

Boundary of town.

§ 2. There shall be seven councilmen elected in said town, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace of said county, that they will faithfully and impartially discharge the duties of the office aforesaid; that said councilmen and their successors shall be a body politic and corporate, and shall be known as the "Board of Councilmen of the town of Uniontown," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts in this Commonwealth.

Seven councilmen elected.

§ 3. That there shall be elected for said town a police judge and town marshal; and all persons in said town who are, under the laws of this Commonwealth, qualified voters, shall be competent electors for councilmen, police judge, and marshal of said town. The police judge, councilmen, and town marshal shall be elected on the first Monday in August, 1860, and hold their offices for the term of two

Police judge and marshal elected.

1860.

Vacancy—how filled.

years, or until their successors are qualified; and in case of the vacancy of either of said offices, they shall be filled by an election to be held for that purpose, ten days' notice thereof having been given, by publication in some newspaper in said county, or at three public places within the limits of said town, should there be no newspaper published in said county.

Judge to be commissioned by Governor.

§4. That before the police judge enters upon the discharge of the duties of his office, he shall receive a commission from the Governor, which shall be given upon the councilmen certifying to the Governor that he has been duly and legally elected to said office: He shall take an oath the

To take oath.

same as county judges are required to take. He shall have jurisdiction in all cases, civil, criminal, and penal, which may occur within the limits of said town, the same as conferred by law on justices of the peace; and shall have

Jurisdiction, &c.

jurisdiction in all cases arising under the by-laws of said town. The time of holding his courts shall be fixed by the councilmen of said town. He shall keep a true and just record of all proceedings before him, and shall be allowed like fees as justices of the peace, or the same may be regulated by the by-laws.

Power of councilmen, &c.

§5. The said councilmen shall have power over the streets, alleys, sidewalks, and wharves of said town, and may direct the improvement of the same, in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property and tithes in said town not exceeding one dollar on each hundred dollars' worth of property, and not exceeding one dollar and fifty cents on each tithe in said town, to be applied to the improvement of the streets, alleys, sidewalks, and wharves of said town, or other improvements necessary therein. They shall have power to purchase any lot or piece of ground for the use of said town, necessary to straighten and extend the streets therein; to tax auction sales, shows, and other public exhibitions, such sums as they in their by-laws may fix. They shall have power to suppress tippling-houses and gaming; to fine all those who may violate their by-laws in relation thereto, any sum not exceeding thirty dollars for each offense, to be recovered before police judge of said town. They shall have power to regulate the market, and appoint all officers needful therefor. It shall be the duty of said councilmen to appoint a treasurer, clerk, and such other officers as they may deem necessary, and to take bond, securities, &c.; and for a violation of duty on the part of any such officers, motions may be made, or suits brought, before any tribunal having jurisdic-

1860.

tion thereof; and a majority of said councilmen may, for proper cause, remove any officer and appoint others in his or their stead; that it shall be the duty of said treasurer and clerk to keep a record of all the proceedings which properly belong to their respective offices; and it shall be the duty of said treasurer to render an account to said councilmen of all moneys received and paid out by him, whenever by them required so to do.

§ 6. That no street shall be extended over the land of any person, unless such land, sufficient so to extend said streets, shall have been purchased, as provided in section fifth, or unless it shall have been condemned, as provided in chapter 84, section 1, Revised Statutes, in reference to public roads; and the proceedings to extend said street shall be in strict conformity to said chapter.

How streets to be extended.

§ 7. That it shall be the duty of said councilmen to appoint one of their body chairman of the board; and no money shall be drawn from the treasurer except by order of said chairman, made in pursuance of an allowance made by said board.

Chairman of board appointed.

§ 8. That upon all judgments rendered by said police judge, either party shall have the right to appeal, in the same manner as parties have from judgments of justices of the peace.

Appeals.

§ 9. The marshal shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, executions, and other demands which may be put in his hands to collect, and account for and pay over the same to the persons entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. Said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the county levy, and in all other cases the same fees that are allowed constables for similar services: *Provided*, That said police judge shall have power to direct his process to any constable of Union county; and said marshal shall have and possess the same powers given to constables in all cases cognizable before said police judge: *Provided further*, That said marshal shall have power to execute all such process which may be directed to him from any circuit or quarterly court, and return the same, in the same manner that sheriffs execute and return the same; and for any failure on his part to execute and make due return of all process thus directed to him from said courts, said marshal shall be subject to like penalties as sheriffs are for a failure

Marshal—his duties, fees, &c.

1860.

Marshal to
take oath.

of duty in similar cases. He shall have power to appoint a deputy to act in his stead, in case of emergency or of his absence, for whose acts he shall be legally responsible: *Provided further*, That before said marshal shall enter on the discharge of his duty, herein prescribed, he shall take the several oaths that constables are required by law to take, and shall execute bond in the Union county court, with one or more good sureties, to be approved of by said court, conditioned to perform the duties enjoined on him in this act; and to pay over all moneys by him collected upon any bill, note, or other choses in action, or upon any execution, attachment, or other legal process, to the person entitled to the same; and in case of a violation of said bond, he may be proceeded against, as herein directed, in any court within this Commonwealth having jurisdiction of the same.

Fines to be paid
to treasurer.

§ 10. All fines and forfeitures, in cases cognizable before said police judge, shall be collected and paid to the treasurer of said board, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a justice of the peace, for any violation of the penal laws committed within the limits of said town, shall be in like manner paid over to the treasurer.

§ 11. That all acts or parts of acts coming within purview of this act, be, and the same are hereby, repealed. This act to take effect from its passage.

Approved January 16, 1860.

CHAPTER 64.

AN ACT to incorporate the German Washington Mutual Association, in Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That Conrad Schaefer, Prodasius Murle, Joseph Schwab, Nicholas Plaggenburg, H. Muninghoff, W. Hering, K. Brumboe, and all other persons who may hereafter become members, be, and they are hereby, incorporated and made a body politic, by the name of the German Washington Mutual Association, for the purpose of insuring their respective dwelling-houses, and such stores and places of trade or business as may be kept in their dwelling-houses, and their household furniture, fixtures, and merchandise, against loss or damage by fire, under the rules and restrictions set forth in the following articles of incorporation; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record or other place whatever; may have

Name and
style, and cor-
porate powers.

1860.

and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell, convey, or dispose of at pleasure; may make, establish, alter, and put in execution, such by-laws, ordinances, and regulations, not being contrary to the laws of this State, nor of the United States, as may seem necessary for their regulation and government, and for the management of their affairs; and do and execute all such things as may be necessary to carry into full effect the purposes intended by this charter.

§ 2. That all and every person or persons who shall, at any time, become interested in said association by insuring therein, and also their respective heirs, as hereinafter provided and limited, shall be deemed and taken to be members thereof, and shall, at all times, be concluded and bound by the provisions of this act.

Persons insur-
ing to be mem-
bers of corpora-
tion.

§ 3. The following officers shall be elected yearly by the association, viz.: a president, vice president, secretary, and treasurer. They shall be chosen by ballot, and a plurality of the votes present shall be required to elect. Provision may be made by the association for filling vacancies occurring in any of those offices. And a standing committee for valuation shall be appointed yearly by the president, or, in his absence, by the vice president, whose duty shall be as hereinafter set forth.

Officers.

§ 4. Immediately after the association has received its charter, each and every member shall pay to the treasurer of the association a sum equal to one per cent. of the amount for which his property is to be insured, as an entrance fee, and an entrance fee in like proportion shall be paid to the treasurer by each and every one hereafter becoming members of the association; but the sum which each one has to pay by way of indemnity to any member for a loss by fire is not due until after such a loss.

Entrance fee.

§ 5. Each and every member shall pay into the treasury of this association his proportionate part of the indemnity against any loss from fire within sixty days after such loss has happened; and should any member not do so within such time, or three days thereafter, this association may institute an action in any court having jurisdiction, against any member so failing to pay for the amount due by such member, and may expel him from the association and from all its rights and privileges.

Members to
pay proportion
of indemnity
against loss.

§ 6. This association shall only insure dwelling-houses, and such stores, shops, or places of business as may be within or parts of the dwelling-houses of their owners, and the furniture, fixtures, and merchandise within them; and shall not insure any property for more than two thirds of its value at the time that the insurance is effected or renewed; and no insurance shall be granted by this association

What company
may insure.

1860.

on any property insured in any other association or company whatsoever; nor shall any furniture, merchandise, or movables whatever, be insured by this association when they are not the property of the owner of the house in which they are, and where such house is not insured by this association; and the rates of insurance may be so regulated as to correspond with the risk from fire; but they shall not be less than three quarter per cent. for a brick house, and one and a quarter per cent. for a frame house, of the amount for which they are insured.

Standing committee to fix value on houses sought to be insured.

§ 7. A standing committee, as provided in section 3d hereof, shall be appointed, to estimate the value and fix the rates of houses on which insurance is asked; and this valuation may be repeated as often as may be deemed necessary after the admittance of a member of the association; and the members of the committee shall obligate themselves before the president of this association and a justice of the peace, by an oath truly and faithfully to perform their duties.

Losses to be paid according to valuation of committee.

§ 8. Every member who has suffered a loss by fire shall be indemnified according to the valuation of the committee; but if the assured and the committee cannot agree, each party shall choose two impartial members, and the four members thus chosen shall fix the valuation, and their decision shall be final.

Notice to be given of any loss.

§ 9. Every member suffering a loss from fire, shall give notice thereof, as soon as possible, either personally or through another member to the secretary. He must also, as soon as possible, report to the Secretary the causes of the fire, and the value of his property burned or injured by the fire, and must on demand make oath to the truth of his report before a justice of the peace, and the secretary or the committee of valuation; and if the report be found correct, his indemnity shall be paid to him, unless, on investigation, it is found that the fire was caused by the negligence of the assured, or by his willful or deliberate act and intent, in either of which events, all claim on this association resulting from the loss shall be forfeited.

How valuation, &c., to be regulated.

§ 10. In valuing and fixing the rates and estimates of such houses as are situated less than thirty feet from the following described buildings, the taxation and estimate of rates are to be regulated by the risk, and when that is too great, such houses shall not be insured by this association. The following named buildings and classes of buildings are recognized as dangerous and liable to fire, viz: the workshops of carpenters, cabinet-makers, coach, pattern, and pump-makers, coopers and wagon-makers, and all of that class; those of brewers, bakers, dyers, rope-makers, printers, and manufacturers of matches, smith-shops, and iron and other founderies; all kinds of oil factories and oil

What buildings dangerous.

mills, distilleries of liquors, and all establishments of like kind with these enumerated; and where the house or houses are built upon leased ground, no insurance shall be effected with this association, except where there is a written lease; and such insurance shall in all cases expire one year before the termination of the lease, unless there is a clause in the lease permitting a renewal of the lease, and in such cases the insurance shall expire at least one year before the termination of the renewed term of the lease; and no insurance shall be effected with this association on any house or property situated west of the eastern side of Preston street.

1860.

§ 11. When a member or any other person shall build a house of any of the classes described as dangerous in the preceding section, nearer than thirty feet to a house insured by this association, the owner of the insured house shall notify the secretary, and the valuation committee must give their decision within six months from the day of notification; and by a failure to give such notice within the time provided herein, such member shall forfeit all claim on the association, and his policy shall thereby become void.

When dangerous houses are built within 30 of house insured/owner to notify secretary.

§ 12. Any alteration or improvement of a house insured by this association, which increases the risk from fire, and renders it more hazardous, shall make the insurance in the house void and of no effect, unless the same shall be notified to the secretary; but no alteration which does not increase the risk or hazard shall affect the insurance.

When insurance to be void.

§ 13. If a fire shall occur from the carelessness of the assured in the sale or use of powder, or any other combustible, or in the use of fire or lights, the assured thereby shall forfeit all claim and right of indemnity from this association resulting therefrom.

§ 14. Every one wishing to insure in this association, shall make known to the president the location of his house; and, after his admission, shall pay to the treasurer his entrance fee, as stipulated in section four hereof; in return for the receipt of which by the treasurer, the secretary must give his certificate of membership, signed by the president and secretary.

Persons wishing to insure to make known location, &c., of house.

§ 15. No policy shall be valid unless signed by the president and secretary; and at each renewal of a policy after its expiration, and at every change of the amount insured, the signature of these two officers shall be required.

No policy valid unless signed by President & Secretary.

§ 16. Any member wishing to withdraw from the association, must give notice of such intention one month before his withdrawal, unless such withdrawal shall take place at the expiration of his policy; and any member having once withdrawn from the association, shall pay the entrance fee provided in section four for the admission of members, be-

How member may withdraw from company.

1860.

fore he can be readmitted, though that shall not be required at a renewal of a policy expired, unless the member has withdrawn.

Entrance fee
valid to heirs,
&c., as long as
they remain
owners of same.

§ 17. The entrance fee, which has been paid, as provided in section four hereof, by the owner of a house insured, is valid and sufficient for the heirs of his body so long as they remain the owners and proprietors of the property so insured, and conform to the rules of the association. But whenever the house shall be sold or descend to other heirs than those herein mentioned, the insurance shall expire.

How by-laws
altered.

§ 18. A vote of two thirds of the members present shall be required to make, alter, or amend any law or by-law.

Administra-
tion of affairs
of company to
be intrusted to
officers.

§ 19. The administration of the affairs of the association shall be intrusted to the officers named, and elected, and appointed, under the provisions of section three hereof; but each and every member of the association shall be entitled to an examination of the books, papers, and general transactions of the association, upon application therefor to the secretary.

Term of office.

§ 20. The officers already elected and appointed may hold until the expiration of their terms, and their election is hereby made valid.

Members of
company bound
to pay propor-
tion of losses.

§ 21. Every member of this association shall be, and hereby is, bound to pay his proportion of all losses and expenses of the association, happening and occurring in and to said association; and all buildings insured by and in said association, together with the right, title, and interest of the assured to the lands on which they stand, shall be pledged to said association, and the said association shall have a lien thereon against the assured during the continuance of his, her, or their policies: *Provided*, That no such lien shall be enforced against any purchaser for a valuable consideration without notice, or against any creditor where debt shall have been contracted without notice.

§ 22. This association shall exist as long as seven of its members remain.

§ 23. The Legislature reserves power to amend or repeal this act.

Approved January 16, 1860.

CHAPTER 65.

AN ACT to incorporate the Woodford Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. Thos. N. Gaines, Thos. L. Graddy, J. H. Hickman, R. C. Graves, and C. W. Nuckols, and their successors in office, be, and they are hereby, constituted a body politic

and corporate, to be known by the name of the trustees of the "Woodford Female College," and by that name they shall have perpetual succession, and a common seal, with power to alter or renew the same at pleasure; to sue or be sued, plead or impleaded, in any of the courts of this Commonwealth; to acquire by gift, grant, devise, purchase, or otherwise, any real or personal property for the use of said college, not to exceed fifty thousand dollars in value; to sell and dispose of the same according to the by-laws which may be hereafter established by the trustees of said college, and reinvest the proceeds thereof in such real and personal estate for the use of the college as they may deem proper.

1860.

Name and
style, and cor-
porate powers.

§ 2. The capital stock of said college shall be divided into shares of one hundred dollars each, to be subscribed and paid for according to the regulations laid down in its by-laws; but this act shall not be construed so as to affect the trusts and conditions upon which the stock is held that has been already subscribed for the benefit of said college; and said stock is to be held and disposed of in accordance with the articles of agreement already made and entered into by the stockholders. It is hereby declared that the stock which has been already subscribed for the benefit of said college shall be entitled to the benefits conferred by this charter. The said trustees shall hold the property already purchased for the benefit of said college, and the stock subscribed, as has been agreed upon in the articles of agreement entered into by them before the date of this act; and they shall acquire and hold such property as may be purchased hereafter for the benefit of the college, and dispose of the same as may be determined by its by-laws.

Capital stock.

§ 3. The trustees may open books for the subscription of additional stock in said college, at such times and places, and keep the same open for such length of time, as they may hereafter prescribe by the by-laws to be established under this charter, and prescribe the mode and time of payment of the same.

Books to be
opened.

§ 4. The trustees hereby incorporated shall hold their offices until the first Monday in August, 1860; at which time, and annually thereafter, an election shall be held by the stockholders for trustees of said college. Each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he or she holds; and the candidates receiving the largest number of votes shall be declared duly elected, and shall hold their office until their successors shall be elected.

When officers
to be elected.

§ 5. The property, both real and personal, hereafter obtained under this charter, and that now already held for the benefit of said college, shall be exempt from all taxation.

Property ex-
empt from tax-
ation.

1860.

Woodford co'y
court may take
stock.

§ 6. The county court of Woodford county, a majority of the justices thereof concurring, and the chairman and board of trustees of the town of Versailles, are hereby authorized to subscribe for any number of shares of stock in said college which they may see fit to take, and to appropriate so much of the county revenue and town tax annually assessed in said county and town as may be necessary to pay their said subscriptions.

Officers.

§ 7. The trustees shall have the power to choose from their own body a president, secretary, and treasurer; and shall have power to fill all vacancies in their own body, or the said offices, until the next regular election; and at all meetings a majority shall constitute a quorum to do business.

Diplomas to be
conferred.

§ 8. The trustees, with the advice of the principal of the college, shall have the power to confer upon the pupils of said college any or all the diplomas and degrees conferred by the best female colleges in Kentucky; and they, together with the principal and assistant teachers in said college, who have taught said pupils, shall sign said diplomas and affix the seal of the college thereto.

Professors—
how chosen.

§ 9. The trustees shall have power, a majority thereof concurring, to elect the professors, principals, and tutors of said college; and upon the disqualification, death, resignation, or removal from office of any of the trustees, professors, principals, tutors, or other officers of said college, the board of trustees shall fill the vacancy by appointment. The clerk, treasurer, professors, principals, and tutors in said college, shall be subject to the direction of the board of trustees, and to be removed by them when they shall deem it for the interest of the college to do so.

May make by-
laws.

§ 10. The trustees shall have power, from time to time, to establish such by-laws, rules, and ordinances, not inconsistent with this charter, the constitution and laws of this State, or of the United States, as they shall deem necessary for the supervision and government of said college, and are hereby invested with all the other powers and authority incident to similar institutions.

Stock may be
assigned.

§ 11. The stock may be negotiated and assigned on the books of the trustees, and the assignees be entitled to all the privileges of stockholders. The trustees shall annually declare and pay such dividends, as shall be earned. All dividends, however, may, with the consent of the stockholders entitled thereto, be invested in real or personal property for the benefit of said college.

§ 12. This act shall take effect from and after its passage. The Legislature, however, reserves the right to alter, amend, or repeal this charter.

Approved January 16, 1860.

CHAPTER 66.

1860.

AN ACT to incorporate the Portland Baptist Church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of the Portland Baptist church, in the city of Portland, in Jefferson county, be, and they are hereby, created a body politic and corporate, by the name and style of Portland Baptist Church, with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, plead and be impleaded, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said church. They shall have power to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they may now have or hereafter acquire.

§ 2. That the concerns of said corporation shall be managed by William Underwood, James M. Blake, and J. W. Ray, and their successors, as trustees of said church. The members of said church hereby reserve to themselves the right to depose any or all of said trustees, at any time a majority of the members shall so decide.

§ 3. The General Assembly hereby reserves the right to change or repeal this act at pleasure.

Approved January 16, 1860.

CHAPTER 67.

AN ACT to incorporate the town of Tilton, in Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Tilton, in the county of Fleming, be, and the same is hereby, established and incorporated, with the several streets and alleys and lots, as respectively laid and numbered, or may be laid out and numbered hereafter, within the limits of fifty acres; and Arch. Hall, Jas. C. Sously, H. G. Allen, James D. Webster, and Isaac C. Overly, are hereby appointed trustees for said town, from the first day of January, 1860, until their successors be duly elected and qualified. On the first Saturday of April, 1860, and every year thereafter, the qualified voters of said town shall meet and elect five trustees for said town, at some place designated by the trustees of said town, and under inspectors who shall be appointed by said trustees, which inspectors shall be qualified voters, and shall, under oath, make returns to the town clerk, who shall lay the same before the trustees, and shall carefully preserve the said returns as records in his office. The trustees shall be the

Town incorporated.

Trustees.

When election to be held.

1880.

Trustees to be judges of qualifications of officers.

Term of office.

To take oath

Created body politic and corporate.

Trustees may levy and collect tax.

May assess property.

Collector to be appointed.

exclusive judges of the qualifications of all officers, candidates, and returns of the inspectors; and if from any cause the officers returned electors shall not be deemed elected or eligible, or an election shall fail from any cause, the trustees may order a new one. All elections shall be determined by a plurality of votes. The term of office of said trustees shall be one year next after their election, or until their successors are duly elected and qualified; and should a vacancy occur, said remaining trustees may fill the same by appointment, made by said remaining board of trustees, the appointee to hold his office until the next annual election for trustees. And the said trustees hereby appointed, and those hereafter to be elected, shall, before they enter upon their duties of office, take an oath before some justice, judge, or police judge of said county of Fleming, truly and faithfully to perform the duties enjoined on them by law as trustees. And the inhabitants included in the foregoing boundary are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Trustees of the Town of Tilton; and in that name may contract and be contracted with, sue and be sued in all courts and places whatsoever, and may have and use a corporate seal, and the same may alter and renew at pleasure.

§ 2. Said trustees shall have power to assess and collect a poll tax on all the inhabitants and legal tithables of said town, not exceeding one dollar; and to levy and collect an ad valorem tax on all real estate within said town, and whatever now is, or may hereafter be, taxable by the revenue laws of this Commonwealth, found or at the time belonging to the inhabitants of said town, not to exceed twenty-five cents on each one hundred dollars' worth of property, or whatever may be so taxed. Said trustees may, a majority concurring, assess all the property in said town once in each year; and they shall keep in a book for that purpose each and every assessment, which shall be open at the request of any inhabitant for inspection and examination. Said trustees shall have the power to appoint a collector annually to collect the taxes assessed by said trustees in said town, who shall give bond and security to the trustees of said town for the faithful discharge of his duties as collector; and he shall have power, if necessary to collect the same, to coerce the payment of all the taxes assessed by the trustees of said town, by distress and sale of personal property, in the same manner that sheriffs are authorized to do in collecting the county levy; and no personal property shall be exempt from said distress. And said collector shall receive such rates of compensation as may be contracted for.

§ 3. The said trustees shall have power to pass all needful by-laws and ordinances for the due and faithful admin-

istration of right and justice in said town, within the jurisdiction of the police judge hereinafter provided for; and for the better government thereof, they may affix such penalties for a violation of such ordinances, not exceeding twenty-five dollars, as they may deem the good order and welfare of the town may require. And said trustees shall, at their first meeting after each election, elect one of their number as president, who shall preside over the deliberations of said trustees, and keep a record of their proceedings, and sign all ordinances made by said board of trustees.

§ 4. That there shall be elected for said town a police judge and town marshal, on the first Monday in August, 1860; and the said marshal shall have the same qualifications as constables of this Commonwealth, and hold his office for the same time; and the police judge shall have the same qualifications and jurisdiction as justice of the peace, and hold his office for the same length of time that county judges do, and be elected at the same time; and all persons in said town who have a right to vote for members of the General Assembly of this State, shall be competent electors for trustees and said police judge and town marshal. Vacancies in either of said offices of police judge and town marshal shall be filled as is now required by law when vacancies occur in the offices of justice of the peace and constables. Said judge shall enter upon his duties after receiving from said trustees a certificate of his election: *Provided*, That, before he enters upon the duties of his office, take such oath as may be required by the constitution and laws of this Commonwealth of county judges; and said police judge shall have jurisdiction of all cases, criminal as well as penal, which justices of the peace now have or may have by the laws of this Commonwealth, where the offense was committed in said town. And he shall have exclusive jurisdiction of all offenses arising under the by-laws and ordinances of said town; may issue process and enter up judgments, and issue executions according; and for this purpose he shall keep a book in which all judgments and executions shall be regularly recorded. This court, for the trial of all cases other than under the ordinances of said town, shall be governed by the laws which govern justices' court in the district in which said town is situated; and he shall have in all respects the same powers and jurisdiction that justices have by the laws of this Commonwealth, and shall be entitled to the same fees for like services, and shall in the same manner be responsible for illegal fee-bills made out and collected; and may commit offenders to the jail in Flemingsburg for the same offenses that justices of the peace may. That upon all judgments rendered by said police judge, either party shall have the right to appeal in the same manner as parties

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May pass by-laws and ordinances.

President to be elected.

Police judge and marshal to be elected, and their powers.

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have from the judgments of justices of the peace in similar cases.

Marshal to
give bond.

His duties and
power.

§ 5. That the marshal, before he enters upon the duties of his office, give bond, with good security, and the same penalty, as is now by law required to be given by constables; he shall serve all process and precepts to him directed by said police judge, or other competent authority, and make due return thereof; and collect and receive all executions and other demands which may be put in his hands to collect, and account and pay over the same to the persons entitled thereto, under the same rules and regulations required by law of constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against constables and their securities in similar cases; said marshal shall be entitled to the same fees for similar services as constables, and be responsible for any and all malfeasance and misfeasance in office as are constables by law in this Commonwealth.

Approved January 16, 1860.

CHAPTER 68.

AN ACT to incorporate a Turnpike Road from the Versailles and Nicholasville Turnpike Road to the Frankfort, Lexington, and Versailles Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company in-
corporated.

Capital stock.

§ 1. That a company shall be, and is hereby, incorporated for the purpose of constructing a turnpike road from a point on the Versailles and Nicholasville turnpike road, near the residence of Captain John Garrett, in Woodford county, to a point on the turnpike road leading from Versailles to Lexington, between the lands of Dr. Alfred Hurst and Dr. R. H. Wason, whose capital stock shall be \$10,000, to be divided into shares of \$50 each; which capital stock may be increased by additional subscriptions, in manner and form as the president and directors of said company may prescribe, if such increase, in their judgment, shall be necessary to fulfill the intent of this act.

Stock hereto-
fore subscribed
to be binding.

§ 2. That the stock already subscribed, and the amounts agreed to be paid for the purpose of constructing said road, and the right of way, and facilities for getting rock granted, shall be binding on the parties; and a subscription book for stock in said company shall be opened under the superintendence of Thomas D. Elmore, Robert Allen, John Garrett, John Allen, and Thomas J. Sellers, or some one or more of them, who are hereby appointed commissioners, at such time and place as a majority of them shall designate: *Provided*, That subscriptions of stock, or grants to

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facilitate or carry out the purposes and objects of said company, may be received at any time and place; and subscribers of stock of said company shall enter into the following obligation in said book: "We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the president and directors of the Clear Creek and Shannon's Run Turnpike Road Company the sum of fifty dollars, for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company." The commissioner, or commissioners, shall permit all persons of lawful age, and the county court of said county, which is hereby authorized to do so, to subscribe for any number of shares of the capital stock in said company they may think proper.

Obligation.

Who may subscribe stock.

§ 3. That the amounts already subscribed shall entitle the subscribers to one share of stock for every sum of fifty dollars contained in the amount subscribed, and the payments thereof shall be made under the same rules and regulations, and they shall be entitled to the same rights, privileges, and exemptions, as if they had severally signed the obligation prescribed in section two of this act.

Stock heretofore subscribed, how regulated.

§ 4. That when one hundred and fifty shares of the capital stock of said company shall have been subscribed, including the subscription already made, the commissioners aforesaid, or any one of them, shall call a meeting of the subscribers, to be held in Versailles, or at such other place as shall be fixed on by a majority of said commissioners, on some day to be fixed by them, for the purpose of electing a president and four directors, to serve until others are elected and qualified; of which meeting they shall give at least ten days' notice, by posting the same in the town of Versailles, and at some place near the southern terminus of said road; and that all future elections shall be holden on the third Saturday in May, in every successive year, at such place as the president and directors for the time being shall designate, after like notice.

When meeting to be called, & officers elected.

§ 5. That the company formed and organized as aforesaid, shall be, and they are hereby, created a body politic and corporate, in deed and in law, forever, by the name and style of the President and Directors of the Clear Creek and Shannon's Run Turnpike Road Company, and under the said style and name shall have perpetual succession, and all the privileges, immunities, and franchises of a body politic and corporate; and as such shall be capable of contracting and being contracted with, of purchasing and holding, to them and their successors and assigns, and of selling and conveying in fee-simple all such lands and tenements; and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work, or the

Created body politic and corporate, and corporate powers.

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use and purposes of said company; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever; and also to make, have, and use a common seal, and the same to break, alter, or renew; and to do any and every act which a body politic and corporate may lawfully do.

Location of
road.

§ 6. That the president and directors of said turnpike road company shall be governed in the location and construction of said road, as also in all other respects, by the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles," approved February 14, 1835, which do not conflict with the provisions of this act; and they are hereby vested with all the power and authority, rights and privileges, tolls and emoluments, that are granted to the president and managers of the Frankfort and Lexington and Versailles turnpike road company by the above recited act; and they are also empowered with all the rights, privileges, and benefits of the act, entitled "An act for the benefit of the several turnpike road companies in this Commonwealth," approved February 9, 1837.

Stockholders
exempt from
working roads.

§ 7. That each and every stockholder in said road, residing in Woodford county and adjoining counties, shall be exempt from working, or furnishing hands to work, on any other road, to the extent of one hand for every one hundred dollars of stock which he or she owns, and which has been subscribed by the holder, or others, and actually paid to said company.

Width of road.

§ 8. That the entire width of said road shall be thirty-five feet, and the width of metal shall not be more than eighteen feet, nor less than sixteen feet, as shall be determined by the president and directors; and they may erect a gate at any point on said road, when completed, and may take the full toll of one gate.

§ 9. This act shall take effect from and after its passage.

Approved January 17, 1860.

CHAPTER 69.

AN ACT to incorporate the Jacksonville Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That A. D. Cummins, David Allen, John W. Allen, F. C. Smith, Samuel Allison, Silas Corbin, Edwin Clark, John Allison, William Forman, and John P. Shropshire, and

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their successors, be, and they are hereby, constituted and incorporated as a company, who shall have perpetual succession, and may sue and be sued, and enter into such contracts as lie within the scope and purposes of their organization, under the name and style of the Jacksonville Cemetery Company.

How land to be acquired.

§ 2. That said company shall have a right to acquire by purchase and conveyance to them, a lot of ground near the town of Jacksonville, in Bourbon county, not to exceed ten acres; which ground shall be set apart and perpetually held sacred as a burying ground.

Trustees.

§ 3. That said Wesley Sparks, Silas Corbin, and Samuel Allison, shall be the trustees of said company till their successors shall be chosen at the next general election.

Trustees to be elected.

§ 4. That an election shall be held in Jacksonville, on the first Friday in April of each year, at which three trustees shall be chosen, who shall continue in office till their successors are elected, and shall be intrusted with the management and control of all the business affairs of said company.

To lay off ground.

§ 5. That said trustees shall lay off the ground acquired by them into lots of convenient size, and lay off suitable avenues, sub-dividing the same, and may sell and convey lots to purchasers, to be used by them only as places for the burial of the dead.

Purchaser of lot to be stockholder.

§ 6. That each purchaser of a lot shall become thereby a stockholder and member of said company, and shall be entitled to one vote at each election of officers.

How grounds to be improved.

§ 7. That the proceeds of all sales of lots shall be devoted perpetually to the improvement and embellishment of the grounds of said company.

§ 8. That no purchaser of a lot shall have a right to sell or convey the same, except by the written consent of the majority of the trustees.

May make by-laws.

§ 9. That the company hereby incorporated shall have authority at any regular meeting of the same, to make and publish a code of by-laws for the government of the same: *Provided*, That said by-laws shall not be in conflict with any provision of this bill, or with the constitution and laws of the State.

§ 10. This act shall take effect from its passage.

Approved January 16, 1860.

CHAPTER 70.

AN ACT for the benefit of the Jailer of Adair county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that there is now confined in the jail of Adair county a runaway slave, and the owner

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thereof unknown, and the nearest newspaper to said jailer is of limited circulation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the jailer of Adair county to publish and advertise said runaway slave in the Louisville Democrat and Louisville Journal until the expiration of six months from the time said slave was put in said jail, and that the owner of said slave pay for said advertisement; or if said slave is sold, that said jailer be allowed the amount that he may pay for said advertisement out of the proceeds of said sale of said slave.

§ 2. This act to be in force from its passage.

Approved January 16, 1860.

CHAPTER 71.

AN ACT to amend the charter of the town of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of the town of Paris be so amended that it shall be lawful for the town marshal of the town of Paris, by authority of the chairman of the board of trustees of said town, to confine and imprison in the lock-up or town jail of said town, now constructed in the market-house in Paris, all parties who are liable to confinement or imprisonment in the county jail of said county for violations of law or the town ordinances made by said trustees; and the said marshal shall have such fees for apprehending and keeping prisoners confined therein as is allowed the jailer for his services.

Approved January 17, 1860.

CHAPTER 73.

AN ACT to incorporate the Hospital Company for the relief of persons deprived of reason.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

Name and
style, and cor-
porate powers.

§ 1. That A. D. Hunt, W. F. Bullock, John Milton, Edwin Bryant, J. H. Heywood, Isaac Everett, John Cornwall, James Speed, W. B. Belknap, R. J. Breckinridge, B. J. Adams, Henry Pirtle, T. H. Hunt, Henry C. Pindell, T. T. Shreve, T. S. Bell, Thos. Coleman, and their associates and successors, be, and they are hereby, made and constituted a body politic and corporate, by the name and style of the Hospital Company for the relief of persons

deprived of reason, by which name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court in this Commonwealth having jurisdiction of the subject-matter of the suit.

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§ 2. That it shall be lawful for said company to receive and detain such persons as may be committed to their charge for treatment, in the same manner, and by the same authority, that lunatics are received in the lunatic asylums of this State.

To receive and hold persons committed to their charge.

§ 3. That the affairs of said company shall be conducted by a board of five managers, to be elected by the members of said company, at such times, places, and for such periods, as may be deemed advisable.

Board of managers.

§ 4. That said board of managers shall have power and authority to enact such by-laws, rules, and regulations as may be deemed requisite for the conduct of the business of said company, not inconsistent with the constitution and laws of the United States, and in conformity to the constitution and laws of this State.

May make by-laws.

§ 5. Said managers shall also have power to appoint such clerks, agents, and servants as may be necessary for the conduct of their said business.

May appoint officers, &c.

§ 6. That said company shall have the right to purchase and hold, or to receive by gift or devise, such real or personal property as may be necessary for the business aforesaid.

May acquire and hold real estate.

§ 7. Said hospital shall be located at any point within the State of Kentucky deemed most advisable by said board of managers.

Approved January 17, 1860.

CHAPTER 74.

AN ACT to incorporate the Navigating and Mining Company of Pond River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John B. Frost, George Eves, John Eves, jr., John Eves, sr., and David Clarke, be, and they are hereby, constituted and created a body politic and corporate, by the name and style of the Navigating and Mining Company of Pond River; and by that name to have perpetual [powers] for all purposes of mining all kinds of coal, ores, and minerals, and for manufacturing all kinds of iron, metallic articles, machinery, lumber, breadstuffs, cotton and woolen goods, and for doing and transacting all and every thing connected with such business; and of transporting and selling, in any market said corporators or a majority thereof may see proper, all coal and iron ores and other mineral substances, lumber and other products of the soil,

Corporators' names, & corporate powers.

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and manufactures of said company. And said corporation, by the name aforesaid, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts in this Commonwealth or elsewhere; to have a common seal, and the same to change or alter, as they may think proper; to make all needful rules and by-laws for the regulation and management of said company, and generally to do all and every other act or thing the said directors may think proper for the well-being and advantage of said company, not inconsistent with the constitution and laws of the United States or of this State.

May purchase
and hold lands,
&c.

May slackwater
Pond river.

§ 2. That said company shall have the right to hold, by purchase or lease, such lands, tenements, coal rights, mining rights, and rights of way, buildings and machinery, and also to construct any plank-road or roads, railroad or roads. They shall likewise have the right to slackwater Pond river, so as to make the same navigable at all seasons of the year from its mouth to McKensay's mill, where the Greenville and Hopkinsville road now crosses said river, by erecting locks and dams and depots, as they may deem necessary for the good and well-being of said company; and may charge and collect such toll for the use of said company, and for the successful navigation of said river, as the directors may see proper: *Provided, however,* That the tolls at each lock thereon shall at no time exceed the present rate of charges at each lock on Green-river: *And provided further,* That said directors shall use at no time more of the water for manufacturing purposes than would otherwise be wasted by passing over the dams.

May appoint
managers.

§ 3. That said company shall have power to appoint any one or more of its members, or other person or persons, to manage and control the business of said company, according to the rules and by-laws thereof; and the acts of such persons thus appointed shall be binding on said company.

Capital stock,
and how sub-
scribed.

§ 4. That the capital stock of said company shall at no time exceed two and a half millions of dollars, which shall be subscribed for, divided into shares of not less than fifty dollars each, and paid in such manner as said company may prescribe by their by-laws; and certificates of stock shall be issued, as the directors may direct in said by-laws, and the stock shall be regarded as personal property, and shall be transferred on the books of said company in person or by attorney; but the company shall have a lien on said stock of all the stockholders for any debt he may owe said company: *Provided,* This section shall not be so construed as to affect any *bona fide* creditor or purchaser, without notice, for a valuable consideration.

Books contain-
ing names of
subscribers to
kept.

§ 5. That said company shall cause a book to be opened and kept, subject to the inspection of any member of said company, which shall contain the names of all the mem-

bers and the shares or amount of stock each may own, and shall bear the profits and losses of said company, in proportion to the stock he may own, as aforesaid.

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§ 6. Said directors may, at such time and place as they may designate, elect one of their number president, which shall be done by ballot, and such other officers as they may deem necessary: *Provided*, That before said election shall take place, each member of said company shall have received reasonable notice, in writing, of the time and place of said election.

May elect president.

§ 7. That it shall be lawful for the president and directors of said company, when deemed by them expedient, to obtain on loan such sums of money, on such terms and at such interest, not exceeding ten per cent. per annum, as they or a majority of them may deem expedient for the use of said company, and to execute the note or notes of said company therefor; and by and with the consent of the stockholders, or so many as may represent two thirds of the capital stock thereof, pledge and mortgage any or all of the estate, improvements, privileges, and effects of said company whatsoever for the security or repayment of said money, and may issue bonds, with or without coupons, and convertible in whole or any part thereof into stock of said company, at any time within five years thereafter, and the capital stock shall be increased accordingly.

May borrow money.

§ 8. The Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

§ 9. This act shall take effect from and after its passage:

Approved January 17, 1860.

CHAPTER 76.

AN ACT to amend the charter of the Centerville and Jacksonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the company heretofore incorporated by orders of the county court of Bourbon county, in pursuance of the Revised Statutes, chapter 103, under the name of the Centerville and Jacksonville Turnpike Road Company, shall have all the powers, immunities, and franchises conferred upon it by the orders of said county court; and in addition thereto, shall have power in its discretion to extend its macadamized road from the point where it terminates, by said orders of incorporation, at the Harrison line, till it intersects the turnpike from Cynthiana to Leesburg, at or near Broadwell, in Harrison county; such extension to be made upon or in the general direction of the old road.

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§ 2. If in the extension hereby authorized said company should locate the route of their road so as to vary at any point from the route of the old road, they shall have authority to procure the right of way to the extent of such variations from the owners of the land over which it shall pass, either by contract or writ of *ad quod damnum*, under the general law.

§ 3. That with a view to such extension, said company may reopen its books for the subscription of stock at such times and places as the board of managers or directors may appoint, and may increase its capital stock to an amount sufficient to construct the road as thus extended; and the subscribers to said stock shall be bound to the company for the payment of such subscriptions; and upon the payment of the same, shall be admitted into the company upon the same footing as the original stockholders.

§ 4. That the county courts of Bourbon and Harrison counties shall each have power, at any regular term of said courts, a majority of the justices of said counties respectively being present and concurring therein, to make subscriptions to the stock of said company, not exceeding seven hundred and fifty dollars per mile, to the extent that said road shall be located within said counties respectively, and to levy a tax sufficient to pay the same, which tax shall be collected by the same officers, and under the same responsibilities, as the revenue of the State is collected.

§ 5. That if the extension herein authorized shall be made, said company shall have authority to erect a toll-gate at or near the intersection of their road with the road from Leesburg to Cynthiana, and also a toll-gate between Jacksonville and Centerville, as allowed in their original incorporation, the latter of said gates to be established when five miles of their road shall be completed, and the former upon the full completion of their road as it authorized to be extended; and that at each of said gates they may charge and receive toll as regulated in chapter 103 of the Revised Statutes.

§ 6. Said company may procure, either by contract or writ of *ad quod damnum*, suitable lots of ground for the residence of toll-gate keepers at the points indicated; and also quarries at convenient distances sufficient to construct and keep said road in repair.

§ 7. The regular annual election for officers shall be held on the first Friday in April of each year, at Jacksonville; and at that time the stockholders shall elect a president and four directors, who shall supersede and be invested with all the powers of the chairman and board of managers under the general law; and said president and directors shall choose a treasurer. Said officers shall continue in office one year, and till their successors are elected.

§ 8. All suits by or against said company, and all contracts by, or conveyances and obligations to, said company, shall be in the name of the president and directors of the Centerville and Jacksonville Turnpike Road Company.

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§ 10. The president and directors of said company shall have power to borrow an amount of money not exceeding five thousand dollars, to be used in the construction of their road, at a rate of interest not exceeding nine per cent., which shall be specified in their note or obligation, signed by the president, and the same shall be binding upon the company.

§ 11. This act shall take effect from its passage.

Approved January 17, 1860.

CHAPTER 77.

AN ACT for the benefit of Reuben Gill.

WHEREAS, It has been made to appear to the General Assembly that Reuben Gill, of the county of Bracken, is hopelessly blind, without means, with a helpless family dependent upon him for support; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Reuben Gill be permitted to peddle in the county of Bracken, for the period of five years from and after the passage of this act, without obtaining a license so to do, or incurring any of the penalties annexed to the laws now in force on that subject.

§ 2. This act shall take effect from and after its passage.

Approved January 17, 1860.

CHAPTER 78.

AN ACT for the benefit of B. J. Shaver.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That B. J. Shaver, late sheriff of Muhlenburg county, be, and he is hereby, allowed the further time of two years from and after the passage of this act, to collect his fee bills and arrears of taxes and other fees due him as sheriff aforesaid, and may distrain for the same: *Provided*, That the said Shaver shall, in the county clerk's office of Muhlenburg, execute bond with security to be approved of by the clerk of said county, conditioned to pay all fines, penalties imposed by law, for issuing or collecting illegal fee bills, in case he shall issue or collect any illegal fee bills, or arrears of tax under this act; and during this

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extension of time, he may have the right to list for collection by any officer authorized by law to collect the same, any fee bills or arrears of taxes due him; and said officer may have the power to distrain therefor under the laws now in force.

Approved January 17, 1860.

CHAPTER 79.

AN ACT for the benefit of Cager Creel, sheriff of Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Cager Creel, sheriff of Adair county, be allowed the further time of two years, from and after the expiration of his present term of office, to collect his unpaid taxes and fee bills; said Creel is to be subject to all the penalties and liabilities incumbent upon sheriffs of this Commonwealth; and for the purposes aforesaid may have all the rights and privileges of a sheriff.

§ 2. Upon execution of a bond, with good security, conditioned in accordance with the provisions of this act, by said Creel, and filing the same in the county court clerk's office of Adair county, the said Cager Creel shall be entitled to the full benefit of this act.

§ 3. This act to take effect from its passage.

Approved January 17, 1860.

CHAPTER 81.

AN ACT for the benefit of Amelia M. and Jerome B. Terrell, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Amelia M. Terrell, and Jerome B. Terrell, illegitimate children of Beverly S. Terrell, of Madison county, by Elizabeth Gabbard, the former born on the 7th day of August, 1857, and the latter born on the 5th day of August, 1859, be, and they are, made respectively legal heirs and representatives of said Beverly, and made capable in law to inherit, with his other children, their portions of his estate, as fully as if the said Amelia M. and Jerome B. were legitimate children of said Beverly S. Terrell, born unto him in lawful marriage.

§ 2. This act to take effect from and after its passage.

Approved January 17, 1860.

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AN ACT to legitimize the children of Mrs. Nancy Dyer and J. R. Lucas.

WHEREAS, It appears to this General Assembly that Reuben, son of Nancy Dyer, eight years old, and Mary Henry, daughter of said Nancy, about five years old, are the illegitimate children of Nancy Dyer, begotten of her out of wedlock by J. R. Lucas, and that the said Lucas is desirous of legitimatizing said children, and adopting them as his lawful heirs; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Reuben, son of Nancy Dyer, and Mary Henry, daughter of said Nancy Dyer, illegitimate son and daughter of J. R. Lucas, begotten of the said Nancy Dyer, be, and they are hereby, legitimized as the legal son and daughter and heirs of J. R. Lucas, their father; and all the rights, privileges, immunities, and responsibilities now existing between parent and child begotten and born in lawful wedlock, are hereby declared reciprocal and binding between the said Reuben and Mary Henry, illegitimate children as aforesaid, and their father, J. R. Lucas.

§ 2. This act to take effect from and after its passage.

Approved January 17, 1860.

CHAPTER 83.

AN ACT for the benefit of the executors of Linn Boyd, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the county court of McCracken county, to receive as sureties on the bond of the executors of Linn Boyd, deceased, any practicing attorneys at law, and said bond, when taken with such sureties, shall be as valid and binding on said executors and such sureties as the same would be binding if such sureties were not practicing attorneys at law.

§ 2. That this act take effect from its passage.

Approved January 17, 1860.

CHAPTER 84.

AN ACT to incorporate Christ Church, in Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James H. Morrison, Charles Y. Bean, Frank Fitch, Horace B. Hill, David J. Ayres, Edward Macalester,

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Dudley M. Craig, John B. Tilford, James A. Harper, and Charles S. Bodley, be, and they are hereby, created a body politic and corporate, by the name and style of the "Rector, Wardens, and Vestry of Christ Church, in the city of Lexington;" and they, with their successors, shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any court of law or equity in this Commonwealth and elsewhere; to have and use a common seal, and alter the same at pleasure; and to receive and hold to themselves and their successors the freehold or leasehold title to any quantity of land not exceeding fifty acres, and the emoluments thereof; and any tenements, goods, and chattels of any kind whatever, which may be given, granted, devised, or demised in trust to them for the use and benefit of the members and congregation of the said church, subject, however, to such limitations and restrictions, as may be imposed or reserved by the grantors of such property.

§ 2. Said corporation shall have power to raise money, by subscription or borrowing, to any amount, not exceeding ten thousand dollars, and lay out the same in the purchase of any ground, or the erection, improving, repairing, and furnishing any houses they may deem necessary, subject to the limitations made in the first section.

§ 3. Said corporation shall have the power (with the advice and consent of a majority of the persons who elect them upon the record expressed) to sell or otherwise dispose of any property acquired or held by them by virtue of this act; and by their deed duly acknowledged, to transfer and convey the fee-simple or other title to any such property.

§ 4. Whereas, several pieces of real estate in Lexington, Kentucky, are now held by trustees for the benefit of the congregation of Christ (Episcopal) Church, Lexington: It is hereby enacted, that the title to the same is hereby vested in said corporation, or may be conveyed by the trustees holding the same to said corporation, subject to the same conditions recited in the several deeds to said trustees.

§ 5. That should any vacancy in said corporation occur by death, resignation, removal, expiration of term of service, or otherwise, such vacancy shall be filled by election in the manner prescribed by the constitution and canons of the Protestant Episcopal Church in the United States of America, and of the diocese of Kentucky for the election of vestrymen.

§ 6. The said rector, wardens, and vestry, shall not have or exercise under this charter any power or privilege not herein expressly granted; and the Legislature shall have the right to amend, modify, or repeal this act; but

1860.

the repeal shall not deprive the rector, wardens, and vestry of the property and effects acquired and held under this charter.

§ 7. This act to be in effect from its passage.

Approved January 17, 1860.

CHAPTER 85.

AN ACT to amend an act to define the limits of the town of Campbellsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act to extend and define the limits of the town of Campbellsville, approved March 1, 1854, be, and the same is hereby, repealed, so far as it includes the residence and one acre of ground of A. F. Gowdy within the limits of said town.

§ 2. That all persons living within the extended limits of said town, under said act, shall have the right to apply to the judge of the Taylor county court, at any regular term, and have an order made to exclude him or them, and the residence and one acre of ground of such applicant, from the extended limits of said town, which was included within said town by the act aforesaid: *Provided*, Such application shall be made within twelve months from the approval of this act.

§ 3. This act to be in force from its passage.

Approved January 20, 1860.

CHAPTER 86.

AN ACT to change the place of voting in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in the seventh district, in Christian county, be, and the same is hereby, changed from South Liberty, in said district, to Philip Hamby's.

§ 2. This act to take effect from and after its passage.

Approved January 20, 1860.

CHAPTER 87.

AN ACT authorizing the sale of the Cumberland Female Academy.

WHEREAS, An act incorporating the Cumberland Female Academy, approved February 1, 1837, appointing John M. Alexander, jr., Harold P. Sanfley, Lanesis Bowman, Milton

1860.

King, Daniel Trabue, jr., Thomas Knight, and Sutton L. Hunter, as trustees: Whereas, by the death of Harold P. Sanfley, Thomas Knight, and Sutton L. Hunter, and the removal out of the State of Daniel Trabue and Lanesia Bowman, the objects of said act of incorporation have become inoperative, and the succession of said trustees destroyed: And whereas, it has been represented to this present General Assembly that Thomas S. Ellison has become the owner of a large majority of the shares in said Cumberland Female Academy, and that he is desirous of disposing of or dividing the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall and may be lawful for the said Thomas S. Ellison to file his petition in the Cumberland circuit court, making all persons interested in said academy, together with John M. Alexander and Milton King, trustees as aforesaid, parties to said suit, by service of process thereon, as required by law in other causes; and upon its being made manifest to said court that said Ellison is the owner of a majority of shares in said academy, and that a division thereof would be impracticable, or would materially lessen the value of said property, the court shall thereupon order a sale of said academy and lot, upon the same terms as sales are required to be made under execution by the laws now in force in this Commonwealth; and that the court shall decree a division of the proceeds arising from said sale equally between those interested.

Approved January 20, 1860.

CHAPTER 88.

AN ACT to further amend and renew an act incorporating the Louisville Water-Works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed further time to complete works.

§ 1. That an act to incorporate the Louisville Water-Works Company, approved March 6th, 1854, be, and the same is hereby, renewed and amended so as to allow said company such other and further time as said company may require to complete said works, and make all extensions that the future growth of the city of Louisville may from time to time render necessary.

Term of office of directors.

§ 2. The term for which directors hereafter shall hold office shall be three years. Any citizen of Louisville, who is qualified to hold a seat in the general council, shall be eligible as director or president in said company, whether he be a stockholder or not.

1860.

§ 3. The next annual election for directors shall be held the first Monday in October, 1860, when six directors shall be elected, two of whom shall hold office for one year, two for two years, and two for three years, the respective terms to be determined by lot; and thereafter there shall be two directors elected annually. Any vacancy which may occur by death, resignation, removal, or otherwise, shall be filled by the board; and the person thus appointed shall hold his place for the unexpired term of the one in whose stead he is elected. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day, in such manner as may be prescribed by the directors or provided for by the by-laws of the company.

When annual election of directors held.

Vacancy—how filled.

§ 4. Said company may establish rules and regulations for and concerning the conduct of all such persons or corporations as shall use the water from said works, so far as respects the preservation and use, and restraining the waste thereof; and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed twenty dollars; which penalties may be recovered with costs in the name of the company, before any justice of the peace in the county of Jefferson or city of Louisville. Said rules and regulations shall be published four weeks successively in three of the daily newspapers published in the city of Louisville; and a copy of said rules and regulations, certified by the president or secretary of said company, with an affidavit of the publication of the same made by one of the publishers of said papers, or by the foreman in their offices, shall be received as evidence in all courts and places.

May establish rules and regulations.

§ 5. If any person shall willfully and maliciously defile, corrupt, or make impure any water used by said corporation, or destroy or injure any pipe, aqueduct, reservoir, fountain, building, or machinery belonging to said company, such person shall be liable in civil action to said company for treble the amount of damages caused thereby, to be recovered in the name of the company before any court having jurisdiction of the amount claimed; and the party so offending shall also be liable to a criminal proceeding, by way of indictment in the Jefferson circuit court, and subjected to fine of not exceeding one thousand dollars, or to imprisonment in the work-house of the city of Louisville for not exceeding one year.

Penalty for injury to works, &c.

§ 6. If any person shall in any wise injure any of the improvements, fencing, grounds, shrubbery, trees, grass, walks, or drives upon the lands of said company, such person shall be liable to said company in treble the amount of

1860.

damage caused thereby, to be recovered in the name of the company before any court having jurisdiction of the amount claimed.

To appoint
persons to take
charge of res-
ervoir.

§ 7. Said company is authorized to appoint one or more persons to supervise and take charge of the reservoir and engine-house grounds, who, by virtue of said appointment, shall be vested with all the powers of a policeman of the city of Louisville, to preserve order and arrest all trespassers and offenders against the provisions of this act, the original, and such rules and regulations as may be passed and established by said company.

City council
may pass ordi-
nances to pro-
tect works.

§ 8. The general council of the city of Louisville are hereby vested with power and authority to pass such ordinances as to them shall seem meet and proper to afford any further additional protection to said works, either in or out of the corporate limits of the city of Louisville: *Provided*, Said ordinances are not inconsistent with the constitution or laws of this State.

§ 9. So much of the act, entitled "An act to charter the Louisville Water-Works Company," approved March 6th, 1854, and so much of an act, entitled "An act to amend an act incorporating the Louisville Water-Works Company," approved March 3d, 1856, as is inconsistent with the provisions of this act, is hereby repealed.

§ 10. This act shall take effect from its passage.

Approved January 20, 1860.

CHAPTER 89.

AN ACT to amend the charter of the New Orleans and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May issue
bonds.

§ 1. That it shall be lawful for the president and directors of the New Orleans and Ohio railroad company, in addition to the amount of two hundred thousand dollars of bonds on said company heretofore issued, to issue any amount of bonds, not exceeding two hundred thousand dollars of principal, with coupons attached for the interest, payable at such time and place, or places, as the president and directors may deem advisable, to bear an annual interest of not exceeding seven per cent., payable semi-annually.

Right of way,
ac... responsible
for debt of
\$200,000.

§ 2. That said New Orleans and Ohio railroad, its right of way, bed, depots, stations, rolling stock, fixtures, and franchises, with all its present and future to be acquired property, is held first liable to liquidate the mortgage debt of two hundred thousand dollars, and the interest on the same, which mortgage is now of record, and the sale of

1860.

said mortgage bonds, so far as made, is hereby legalized; and the president and directors shall have the right to sell or hypothecate the unsold bonds described in said mortgage, at such rates as they may deem advisable to pay the debts of said company, or to complete the unfinished part of said road.

§ 3. That the president and directors may put another mortgage on said road, its right of way, depots, stations, fixtures, franchises, rolling stock, and present or future to be acquired property, to secure the payment of the bonds and interest by this act authorized to be issued; and the president and directors may dispose of or hypothecate any amount of said bonds, at such rates as they may deem advisable, to pay the present indebtedness of said company, not embraced in said first mortgage, or for the purpose of finishing said road.

May put another mortgage on said road.

§ 4. That the president and directors may, by proper orders or the records of said company, or by written instrument recorded in the clerk's office of the various counties through which said road runs, dedicate to the payment of the present or future floating debt of said company all the surplus and net earnings of said road, after paying the running, repairing, and other necessary expense, and interest on the mortgage and floating indebtedness of said company.

May dedicate earnings to payment of debts.

§ 5. That the president and directors may, by proper orders of record on the books of said company, or written instrument to be recorded in the clerk's office of the various counties through which said road passes, after the payment of the necessary expenses, interest on the mortgage and floating indebtedness of said company, and the discharge of the floating debt, as by this act provided, dedicate the surplus and net earnings of said road to the discharge of the mortgage indebtedness of said company, giving the first mortgage indebtedness the priority of lien on said net earnings, and priority of payment out of the same.

§ 6. That the president shall have the right to mortgage said road, with all its fixtures, franchise property, right of way, depots, stations, &c., and dedicate the net earnings of said road from the Ohio or Tennessee rivers at Paducah to the Kentucky and Tennessee State line.

§ 7. That said president and directors may pledge or hypothecate said mortgage bonds as collateral security, for the indemnity of any debt which said company may owe or hereafter contract, at such rates as said president and directors may deem advisable.

Approved January 20, 1860.

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CHAPTER 90.

AN ACT to amend the charter of the Louisville and Portland Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows :

§ 1. No railroad, except that of the Louisville and Portland railroad company, shall be constructed north of Main and west of Twelfth street, in the city of Louisville.

§ 2. The Louisville and Portland railroad company, with the consent of the general council of Louisville, may construct their road from Twelfth street, along Main, to Beargrass bridge; but the general council shall not permit any railroad to be constructed upon Main street east of Twelfth street, without the consent of a majority of persons owning land upon said street between Twelfth street and Beargrass bridge, and their lessees in possession at the time of the grant, whose leases will extend as much as six months from the date of the grant.

§ 3. If the general council should grant to any other company than the Louisville and Portland railroad company, as it is hereby authorized to do, the right to run a railroad along Main street, east of Twelfth street, said company shall be compelled to connect at Twelfth street with said Louisville and Portland railroad company, upon fair and equitable terms, which, unless agreed upon by the two companies, shall be determined by two arbitrators, one of whom shall be chosen by each of said companies, or by the chancellor of the Louisville chancery court, if either company refuses to name an arbitrator, or determined by an umpire, to be chosen by said arbitrators, if they cannot agree.

§ 4. The general council, before granting to any company the right to construct a railroad upon Main street, east of Twelfth street, shall, by ordinance, fix the terms upon which, and the time and place when and where the grant will be made, and advertise the lettings at least ten days in all the daily papers published in the city of Louisville; and shall make said grant to the company, who, by public bidding, will agree to pay to the city the highest per centage upon its receipts, or who will agree to carry passengers at the lowest rates, as the general council may have elected, and who will comply with the other terms imposed by said ordinance.

§ 5. This act to take effect from and after its passage.

Approved January 20, 1860.

CHAPTER 92.

1860.

AN ACT for the benefit of W. S. D. Megowan, Sheriff of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That W. S. D. Megowan, sheriff of Jefferson county, be allowed further time, until the 15th day of April, 1860, to settle with the Auditor of Public Accounts, and to pay in the revenue collected by him: *Provided*, That the sureties on his official bond appear in the Jefferson county court, and by an order therein made consent to this indulgence.

Approved January 30, 1860.

CHAPTER 93.

AN ACT to amend the charter of the Stanford and Hall's Gap Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March the 6th, 1850, be so amended as to authorize said company to collect the usual rates of toll on all wagons, carts, and other vehicles going to or from the mills.

§ 2. That said company be authorized to collect an additional toll of one fifth for the sixth mile, made by said company up Hall's Gap.

§ 3. That this be in effect from and after its passage.

Approved January 30, 1860.

CHAPTER 95.

AN ACT to revive and amend an act incorporating the Lancaster and Sugar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved the 1st of March, 1854, incorporating the Lancaster and Sugar Creek Turnpike Road Company, be revived and amended, so as to give the commissioners five years from the time this act takes effect to organize under the same; and Edward Nayler and William G. Pollard are appointed commissioners, in addition to such as are named in the charter to which this is an amendment.

§ 2. That the president and directors that may organize under this charter, shall be allowed to regulate the grade and width of metal on said road, as they may think proper.

§ 3. This act shall take effect from its passage.

Approved January 30, 1860.

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CHAPTER 96.

AN ACT to change the State Road from Paducah to Eggnorr's Ferry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That that part of the State road from Paducah to Eggnorr's ferry, in Tennessee river, which runs through the land of J. K. Wilson, in Marshall county, be changed as follows: Beginning at the southwest corner of said Wilson's apple orchard; thence running in a southern direction, on a straight line, to where the Benton and Paducah road parts with the Paducah and Eggnorr's ferry road.

§ 2. That the change made and established by this act take effect from and after its passage.

Approved January 30, 1860.

CHAPTER 97.

AN ACT to amend the acts incorporating the Richmond and Big Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the president and directors of the Richmond and Big Hill turnpike road company to establish and keep up, according to the rules and requisitions of their charter, a toll-gate within one half mile of the town of Richmond; and so much of the acts heretofore passed incorporating said company as prohibits them from establishing a toll-gate within less than three fourths of a mile from said town, is hereby repealed.

§ 2. That so much of said charter as requires the election of the board of managers of said road to be held annually in the town of Richmond, on the first Monday in February, is also repealed; and said elections are hereafter required to be held on the first Monday in May, and the place of election is left discretionary with said board of managers, who are to advertise the time and place of same, as required by the provisions of their charter.

§ 3. This act to take effect from its passage.

Approved January 30, 1860.

CHAPTER 98.

AN ACT to authorize the Calloway County Court to change the State road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Calloway county court be, and the same is hereby, authorized and empowered to change that portion

1860.

of the State road leading from Murray, in said county, to Hickman, in Fulton county, which runs through the lands of John Utterback, in Calloway county: *Provided*, That the said court, in making such changes, shall be governed by the general laws now in force in relation to roads: *And provided further*, That before such change shall be made, the proposed road shall be opened and put in good order.

Approved January 30, 1860.

CHAPTER 99.

AN ACT to enable the Bryant's Station Turnpike Road Company to borrow money and pay its debts.

WHEREAS, It is represented that it has become necessary to borrow money for the completion of the Bryant's Station turnpike road, and for the payment of the debts of the company; and that the managers of the company have made themselves individually responsible for the sums already borrowed, and it will be necessary for them, or other persons, to render themselves also liable for the sums yet to be borrowed; and as it is proper to indemnify fully those who thus become responsible, and the company has applied for authority to indemnify them, as hereinafter provided; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of managers of the Bryant's Station turnpike road company, be, and they are hereby, empowered to borrow such sums of money as may be necessary for the completion of said road, and for the payment of the debts of the company; and to secure those persons who have become, or may become liable for the money borrowed or to be borrowed, or who may loan or advance money to the company for those purposes, by a mortgage of deed of trust upon the road, and all the property, rights, franchises, and effects of the company; and that they may, by suitable provisions, effectually vest in the mortgagee or trustee power, on default made by the company to sell, without the consent of the mortgager, or the order of a court, all the mortgaged property, or so much of it as may be necessary for the payment of the debts, and the security of the parties intended to be secured and indemnified thereby.

§ 2. This act shall take effect from the day of its passage.

Approved January 30, 1860.

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CHAPTER 101.

AN ACT to appropriate to B. F. Pullen, sheriff of Bourbon county, his mileage and expenses in carrying a lunatic to the asylum at Hopkinsville.

WHEREAS, It appears to the General Assembly, by satisfactory evidence, that B. F. Pullen, sheriff of Bourbon county, under the direction of the county judge of said county, conveyed to the lunatic asylum Dennis Maloney, who was found to be a lunatic by an inquest, held in pursuance of law, by said county judge and a jury duly empaneled; and that, on account of the condition of said patient, which required his prompt removal to a place of security, the requisite notice, which would have authorized the superintendent of said asylum to pay said Pullen his mileage and expenses, was not given, and said mileage and expenses were not paid him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventy-two dollars be appropriated to B. F. Pullen, sheriff of Bourbon county, as his expenses in conveying Dennis Maloney, a lunatic, to the asylum at Hopkinsville, and that the Auditor be directed to draw his warrant in favor of said Pullen for the sum above mentioned, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved January 30, 1860.

CHAPTER 103.

AN ACT for the benefit of Thomas C. Read and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

Thos. E. Read. § 1. That Thomas C. Read, sheriff of Fulton county, have until 1st July, 1860, to pay in the treasury the revenue due from said county to the Commonwealth for the year 1859.

Shadrach Boaz § 2. That Thomas C. Read, sheriff as aforesaid, may take in the receipts executed by Shadrach Boaz, late sheriff of said county of Fulton, which he, said Boaz, as sheriff, executed for the revenue he collected due for the year 1859, while he acted as sheriff of Fulton county. And the Auditor is hereby directed, in his settlement with said Read, to give him credit for the amount of receipts he may take executed by said Boaz as aforesaid. And when said Read shall pay the amount due from said county for the year 1859, the receipts of said Boaz included, he shall be entitled to a quietus.

§ 3. That the sureties of said Boaz, late sheriff of Fulton county, have until 1st July, 1860, to pay into the treasury

the amount of revenue due from said Boaz as said sheriff for the year 1859, which he collected and did not pay over. 1860.

§ 4. *Provided*, The sureties of said Boaz shall not have the benefit of this act until they personally appear in the county court of Fulton county, and consent upon the records of said court to the extension of time allowed by this act: *And provided further*, That this act shall not take effect, so far as Thomas C. Read is concerned; until his sureties in his official bond shall personally appear in the county court of Fulton county, and upon the records of said court consent to the extension of time allowed by this act.

Approved January 31, 1860.

CHAPTER 105.

AN ACT for the benefit of Q. C. Shanks, of Ohio county.

WHEREAS, Quintus C. Shanks, sheriff of Ohio county, on account of the removal and sickness of some of his sureties, was prevented from filing their consent to the extension of time allowed for the collection of the revenue until the second day of January, instead of the first; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Q. C. Shanks have further time until the 10th day of February, 1860, to file the same, and may be entitled to all the privileges of the general law passed at this session for the benefit of the sheriffs of this Commonwealth.

§ 2. That if judgment shall have been rendered against him and his sureties for damages on his official bond, for failure to collect the revenue by the time required by law, they are hereby released from the same; but this act shall not release him from any proceedings against him on his official bond, if they fail to comply with its provisions.

§ 3. For any balance that may be due from the said Shanks he is not to be chargeable with interest, except from the time it was due and payable in the treasury.

§ 4. This act to take effect from its passage.

Approved February 2, 1860.

CHAPTER 106.

AN ACT to amend the charter of the Masonic Fraternity of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful to reorganize the corporation of the Masonic fraternity of the city of Louisville, Ky., as

1860.

May reorganize the corporation of the Masonic fraternity of Louisville.

Commissioners to open books.

Present stockholders may transfer two shares for one in new corporation.

When to become body corporate.

Name and style, and corporate powers.

Who to constitute first board of directors.

Present stockholders may become stockh'rs in this corporation on certain conditions.

May sell preferred shares.

herein provided, in order to raise the necessary funds to pay the debts not secured by mortgage or deed of trust, and the punctual payment of interest on its debts and liabilities.

§ 2. That James B. Wilder, Samuel P. Weissiger, James Guthrie, John M. Delph, and Edward Crutchfield, shall be, and are hereby, appointed commissioners to open books of subscription, and raise by subscription, not exceeding one hundred and fifty thousand dollars of stock, in shares of one hundred dollars each.

§ 3. That the present stockholders shall have the right to pay for one share of stock in this company, by the transfer of two shares of stock in the present company, and the payment of ten dollars in cash within one year; and shall have the right to pay for one half share in this company, by the transfer of one share of stock in the present company, and the payment of five dollars in cash within one year.

§ 4. That whenever two hundred shares of stock shall have been subscribed, the said commissioners shall have the right to file a list of the subscribers, certified under the hands of at least three of them, in the clerk's office of the Jefferson county court, and have said list recorded; and thereupon, the said subscribers shall become a body politic or corporate, under the name and style of the Masonic Temple Company of Louisville, Ky., with power and authority to sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, pass by-laws, and alter and amend the same; and shall keep a record of their proceedings, and have perpetual succession.

§ 5. That as many of the commissioners named in the second section hereof, as shall become stockholders under this charter, shall constitute the first board of directors of this corporation, with the power of choosing one of their own body, or any other stockholder, president, and elect directors in place of those commissioners who do not become stockholders under this charter.

§ 6. That all the stockholders in the present corporation shall have the right to become stockholders in this corporation, by the surrender of two shares of stock in the present company, and the payment of ten dollars in cash within one year, for each share of stock in this company; and the right to have one half share of stock in this company, by the transfer of one share of stock in the present company, and the payment of five dollars in cash within one year; and the stockholders of this corporation shall have the right to purchase up the shares of the present company.

§ 7. That the president and directors shall have power and authority to sell not more than fifty thousand dollars

1860.

of the one hundred and fifty thousand dollars of the capital stock, in preferred shares, bearing not exceeding ten per cent. per annum interest, payable semi-annually, and take in payment therefor any of the existing debts of the corporation, or to sell the same for cash, and thus pay off the debts of the existing corporation.

§ 8. The president and directors of this corporation shall have power and authority to purchase the Masonic Temple, and the corporate rights of the existing corporation, subject to the mortgages on the same, and rent out the rooms in said Temple, and any of its franchises, and apply the rents and profits to the payment of interest on the mortgage debts and on the preferred stock, until the mortgage debts shall be discharged, and the rents and profits shall be sufficient not only to pay the preferred stockholders, not exceeding ten per cent. per annum interest, but all the stockholders the same dividend; after which there shall be no preferred stock.

May purchase
Masonic Tem-
ple, &c.

§ 9. That stock in this corporation shall be personal estate, and pass by assignment on stock books to be kept by the corporation, as the by-laws shall direct; and each full share shall entitle the holder to one vote at all elections and meetings of the stockholders.

Stock to be
personal estate,
and pass by as-
signment.
Votes.

§ 10. That there shall be annual elections of a president and five directors, at such time and place as the by-laws shall direct, under the supervision of two stockholders who are not directors; and the president and directors shall hold their office until their successors are elected, and have authority to fill vacancies in their own body, happening by death, resignation, or otherwise.

When officers
to be elected, &
term of office.

§ 11. If the Grand Lodge of Kentucky shall avail herself of the right to become a stockholder under this charter, she shall have the privilege of appointing one director, in addition to the five before mentioned; and a majority of the directors shall constitute a quorum for the transaction of business, always counting the president as one.

Grand Lodge
may become
stockholders.

Quorum.

§ 12. At least one half of the directors shall be affiliated Masons.

One half of di-
rectors to be af-
filiated Masons.

§ 13. That so much of the fourth section of the amendment to the original charter, approved January 24, 1854, as limits the dividends to be paid to the stockholders of the Savings Institution therein provided for, to ten per cent. per annum, and so much of the amendment approved 9th of March, 1854, as authorizes the appointment of the cashier of said Savings Institution by the board of finance, be, and the same is hereby, repealed.

Repealing
clause.

§ 14. That said corporation shall have the right to organize said Savings Institution, or rent the right to organize the same to others, who may organize the same by the appointment of its own officers and agents, and shall have

Corporation
may organize
savings institu-
tion, or rent the
right to others.

1860.

the right to make and ordain by-laws, rules, and regulations, for its government.

Who may take
stock in sav'g's
institution.

§ 15. Nothing herein contained shall be so construed as to prevent others than the stockholders in this corporation from taking stock in said Savings Institution.

§ 16. That when this corporation is organized, and becomes the purchaser of the Masonic Temple, it shall be the successor of the corporation of the "Masonic Fraternity of Louisville."

§ 17. That so much of the charter of the "Masonic Fraternity of Louisville," approved February 27, 1849, and the amendments thereto, as conflicts with the provisions of this act, be, and the same is hereby, repealed.

Approved February 2, 1860.

CHAPTER 108.

AN ACT to amend an act, entitled "An act to incorporate certain Turnpike Companies in Montgomery county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to incorporate certain turnpike road companies in Montgomery county, and for other purposes," approved March 5th, 1850, be so amended as to add the names of Marion Oldham, J. F. Calk, Walter Fletcher, Matthew W. Anderson, B. F. Binkley, James McKee, to those of Baldwin Wilkerson and others, under whose direction the books for subscription of stock shall be opened.

Approved February 2, 1860.

CHAPTER 109.

AN ACT to authorize the Marshall County Court to change the State Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Marshall county court be, and the same is hereby, authorized to change that portion of the State road from Eggnor's Ferry to Paducah, which runs through the lands of Wm. H. Nimmo, C. C. Aston, and Enos Faughn, of Marshall county, as follows: commencing at the southeast corner of said Nimmo's land, and running thence due west along or near the dividing line between said Nimmo, Aston, and Faughn, to the east end of said Faughn's lane: *Provided*, That the said court, in making such change, shall be governed by the general laws in force in relation to

roads, except that it shall not be necessary to appoint viewers.

1860.

§ 2. That the county court, as aforesaid, may establish alternate sections in the proposed change, at the request of either of the parties concerned: *Provided*, That such section shall start from some point in the present road, and continue along the aforesaid line until it intersects the present road again: *And provided further*, That before such change or changes shall be made, the proposed road shall be opened out at least twenty feet wide, and put in good order.

§ 3. This act to take effect from and after its passage.

Approved February 2, 1860.

CHAPTER 110.

AN ACT to incorporate the Iron Works Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Martin, Pike Herriott, Leland Peak, John F. Payne, Caswell Graves, George W. Johnson, J. Stoddard Johnston, and others, subscribers, shall be, and are hereby, incorporated into a company for the purpose of turnpiking that portion of the Iron Works road included between the Lexington and Georgetown and the Georgetown and Versailles turnpikes; and shall have all the privileges, exemptions, and rights conferred upon and now possessed by the Georgetown and South Elkhorn Turnpike Company.

§ 2. That the said subscribers shall have the right to organize and elect a president and other officers, whenever they shall have money enough subscribed to build any portion of said road not less than two and a half miles, and to collect toll in proportion to the length constructed.

Approved February 2, 1860.

CHAPTER 111.

AN ACT to amend the original and amended charters of the Lexington, Versailles, and Frankfort Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the original and amended charters of the Lexington, Versailles, and Frankfort Turnpike Road Company be so amended as to exempt the respective stockholders in said road, and their assigns residing in Woodford county, from furnishing hands to work on any other road in said

1860.

county, to the extent of one hand for every share of stock such stockholder or stockholders may own in said road.

§ 2. This act shall take effect from its passage.

Approved February 2, 1860.

CHAPTER 112.

AN ACT to incorporate the Alexandria and Tibbate's Cross Roads Turnpike Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Created body
politic and cor-
porate, and cor-
porate powers.

§ 1. That a company shall be, and is hereby, incorporated as a body politic and corporate, in the county of Campbell, by the name and style of "The Alexandria and Tibbate's Cross Roads Turnpike Road Company," for the purpose of constructing a turnpike road from the limits of the town of Alexandria, passing at or near the farm of Alexander Caldwell, and through the locality known in said county as the intersection of Tibbate's Cross Roads, and terminating at the farm of Weaver Ronse, on the dividing line between Campbell and Pendleton counties.

Provisions of
another charter
made applica-
ble to this.

§ 2. That all the provisions contained in the charter of the Campbell Turnpike Road Company, approved February 17, 1846, and its amendments, approved respectively March 1st, 1854, and February 13th, 1858, shall be applicable to, and all similar rights, powers, and franchises as are therein granted, are hereby granted to the Alexandria and Tibbate's Cross Roads Turnpike Road Company.

Commissioners
to open books.

§ 3. That Sam. Baker, Frank Spillman, W. H. Thomas, William Griffy, and Jas. H. Parker, or some one or more of them in the town of Alexandria, and Jesse Zilton, Leo Tibbates, Foster Bird, H. Caldwell, and John Tanin, or some one or more of them at Tibbate's Cross Roads, are authorized and empowered, immediately after the passage of this act, to open books for the subscription of stock in said road, under the same provisions as have been provided for the subscription of stock in the Campbell Turnpike Road Company in their charter.

Approved February 2, 1860.

CHAPTER 113.

AN ACT transferring the books and papers from the office of the late Police Judge of the town of Greenville, to the President or Chairman of the Board of Trustees.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that the police judge of the town of Greenville, in the county of Muhlenburg, has

resigned his office as police judge as aforesaid; and that there is no one authorized to wind up the business returned before him; therefore,

1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the books and papers now in the office of said judge, and all judgments and executions, be returned and delivered to the president or chairman of the board of trustees, for said town; and that said president of said board be, and he is hereby, authorized to issue process, renew executions, and to wind up and complete all the unfinished business now in the office of said police judge, as fully and completely as the said judge himself could have done; and that for the purposes aforesaid, all the powers vested in said police judge, are hereby vested in the said president or chairman of said board of trustees.

§ 2. This act to take effect and be in force from its passage.

Approved February 2, 1860.

CHAPTER 114.

AN ACT to incorporate the Old Frankfort Continuation Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated for the purpose of constructing a turnpike road from the point of intersection of the Versailles and Midway and Old Frankfort turnpike road company, at or near the blacksmith shop of Hillery Offutt, in Woodford county, running from that point, in a westerly direction, to a point near the Ducker farm depot, on the Lexington and Frankfort railroad, to be designated by the commissioners, and thence either on and through, or along, the lands of Mrs. Gibson, Elijah Fogg, Robert Scott, and Hubbard Taylor, or, taking a more northwesterly direction from the point above noted, near the Ducker farm depot, to such point on the Cole's road as the commissioners may designate; and thence along said Cole's road to such point on the Lexington, Versailles, and Frankfort turnpike road, as said commissioners may designate.

Company formed, and route of road.

§ 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of one hundred dollars each; but the same may be increased by additional subscriptions, in the manner and form as the president and directors of said company may think proper, if such enlargement shall be found necessary to fulfill the intent of this act.

Capital stock.

1860.

When books for
subscription of
stock to be
opened.

Obligation.

Certain sec-
tions of another
act made appli-
cable.

Name and
style, and cor-
porate powers.

Right of way.

§ 3. That a book for the subscription of stock in said company shall be opened at the house of Hillery Offutt, on the 1st Monday in March next, or at any time afterwards, under the superintendence of M. B. Gratz, James McKee, R. A. Alexander, V. Payne, F. P. Kinkead, Adam Harper, Thomas Buford, and John Harper, or some one or more of them, who are hereby appointed commissioners; and the subscribers to the stock of said company shall enter into the following obligation in said book, viz.: "We, whose names are hereunto subscribed, do hereby respectively bind ourselves to pay to the president and directors of the Old Frankfort Continuation Turnpike Road Company the sum of one hundred dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company." Which obligation may be enforced in the proper courts.

§ 4. That sections four, five, six, eight, nine, eleven, twelve, thirteen, and fourteen, of an act, entitled "An act to incorporate the Old Frankfort turnpike road company," are made part of this act, and shall apply to the corporation hereby created.

§ 5. That the company formed and organized by the provisions of this charter, shall be, and is hereby, created a body politic and corporate, in deed and in law, by the name and style of the "President and Directors of the Old Frankfort Continuation Turnpike Road Company," and under the name and style aforesaid shall have perpetual succession, and all the privileges, immunities, and franchises of a body politic and corporate; and as such shall be capable of contracting and being contracted with, of purchasing, taking, and holding to them and their successors and assigns, and of selling and conveying in fee-simple, all such lands, and tenements, and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever; and also to make, have, and use a common seal, and the same to break, alter, or renew; and to do any and every act which a body politic and corporate may lawfully do.

§ 6. Said president and directors shall have the power to acquire the right of way for said road, stone quarries, and land for toll-gates, to the extent, and in the manner, authorized by chapter 103, of the Revised Statutes.

§ 7. The Legislature hereby reserves the right to repeal, alter, or amend this charter.

§ 8. This act shall take effect from its passage.

Approved February 2, 1860.

CHAPTER 115.

1860.

AN ACT to revive the charter of the Farmers' Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the provisions of an act, entitled "An act to incorporate the Farmers' Turnpike Road Company," approved February 3d, 1851, are hereby revived and declared to be in full force; and that said road shall commence in the town of Burlington, at the intersection of Washington and Jefferson streets.

§ 2. Books may be opened at any time, and kept open during the pleasure of the commissioners or other officers or agents of said road, at Burlington, under the direction of M. Hamilton, N. E. Hawes, and B. W. Sherrill; at Bellevue, under the direction of James Dinsmore, John P. Scott, E. D. Grant, and John E. Walton, or some one or more of them at each place. The work on said road may be commenced at any time.

§ 3. This act to take effect from its passage.

Approved February 2, 1860.

CHAPTER 117.

AN ACT to amend the charter of the Warsaw Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the president and directors of the Warsaw turnpike company be, and they are hereby, authorized to lease said road now constructed; and their right to construct the unfinished portion thereof, with such other privileges as they may choose to convey within the provisions of their charter, to any person or persons with whom they may contract, and for any term of years not more than ninety-nine: *Provided*, That said president and directors shall, before making such lease, obtain the written consent thereto of the owners or their legal representatives, of two thirds of the stock of said company: *And provided further*, That neither the president nor any director of said company shall have the right to become a lessee under this amendment.

Approved February 2, 1860.

1860.

CHAPTER 118.

AN ACT for the benefit of the Louisville and Frankfort Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville and Frankfort railroad company be, and is hereby, so amended as to authorize the president and directors of said company, from time to time, to lend any surplus money the said company may have, at rates not to exceed legal interest, taking therefor the note or notes of the parties borrowing the same; but no such loan shall be made except upon the parties borrowing giving a lien, or mortgage, on unincumbered real estate, or giving, as collateral security to said company, the bonds of the said company, or the bonds of the State of Kentucky, or the stocks of any of the chartered banks of Kentucky, (and when bank stock is given as collateral security, it shall not be taken at more than ninety per cent. of its par value; and should such bank stock be selling in the market at less than its par value, then shall not be taken at more than eighty per cent. of its market value,) or notes secured by mortgage or lien on unincumbered real estate, situated in the State of Kentucky.

§ 2. Should the president and directors of said company deem it advisable at any time to create a sinking fund or sinking funds, for any purposes connected with the management of the finances of said company, it shall be lawful for them, from time to time, to invest the means of said company, to such amount as they think advisable, in any bank or gas stocks in the State of Kentucky, or in the bonds of any railroad company, or other corporation in said State, at such prices as such stocks or bonds may be selling for in the market.

§ 3. This act to go into effect from its passage.

Approved February 3, 1860.

CHAPTER 119.

AN ACT to revive the charter of the Knobb Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved January the 9th, 1852, incorporating the Knob Lick Turnpike Road Company, is hereby declared in full force and effect from and after the passage of this act.

§ 2. That said company is hereby authorized to extend their road from its intersection with the Danville and Hous-tonville road to the Danville and Lebanon road; and that

all the rights and privileges granted, and all the liabilities imposed upon said company by their charter, shall apply to said extension.

1860.

§ 3. That they be allowed to erect a toll-gate on said extended road, and charge the usual toll allowed by law.

Approved February 3, 1860.

CHAPTER 120.

AN ACT to incorporate the Hopewell, Bethlehem, and Clintonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated, to be called and known as the Hopewell, Bethlehem, and Clintonville Turnpike Road Company, and by that name may sue and be sued, plead and be impleaded, in all courts in this Commonwealth.

Name and style, and corporate powers.

§ 2. The capital stock of said company shall be fifteen thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 3. The books for subscription of stock shall be opened by J. S. Kenny, Martin Hutcheson, Joseph Northcutt, G. H. Arment, Henry T. Duncan, James S. Matson, David Penn, and Samuel Penn, or any three of them; the books to be opened at such time and place as they may designate, after having given ten days' notice in three or more public places in Bourbon county. The subscribers shall, in the books of the commissioners, enter into the following obligation, viz.: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the Hopewell, Bethlehem, and Clintonville turnpike road company, fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times as the president and directors of said company may, from time to time, require. Witness our hands this — day of —, 18—."

Commrs to open books.

Obligation.

§ 4. So soon as four thousand dollars is subscribed, the commissioners may give notice and proceed to organize by the election of a president and four directors. The road to be made under the provisions of this charter shall commence at or near Hopewell, cross the Cleaveland road at or near Bethlehem, and intersect the Paris and Clintonville turnpike road at such point as said company may deem most practicable.

When company may organize.

§ 5. The provisions of an act, entitled "An act to incorporate the Paris and Bethlehem turnpike road company," approved March 10, 1856, and an act to amend said act, approved —, except so far as they are changed by this act, shall be the law governing the company hereby

Provisions of other acts applicable.

1860.

formed; and the president and directors shall be vested with all rights, privileges, and immunities given to the Paris and Bethlehem turnpike road by said act and amendments.

§ 6. This act shall take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 121.

AN ACT to incorporate the Winchester and Red River Iron Works Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company formed, and route of road.

§ 1. That a company is hereby formed for the purpose of making a macadamized, plank, or gravel turnpike road, in all or in part of either material, (and omitting either material where the ground may not require it,) from the town of Winchester, by the way of Schollsville and Kiddville, to the Red River Iron Works, under the name and style of "The Winchester and Red River Iron Works Turnpike Road Company."

Capital stock.

§ 2. That the capital stock of said company shall be fifty thousand dollars, which shall be placed under a board of managers, to be chosen in the manner hereinafter directed.

Commissioners to open books.

§ 3. That books for the subscription of stock shall be opened at any time after the passage of this act, at the town of Winchester, under the direction of Henry G. Paton, Dr. Thomas H. Robeson, Robert N. Winn, Burgess Ecton, John P. Wells, A. L. Haggard, James H. G. Bush, Charles Hanson, and Harrison Thompson; at Schollsville under the direction of Harrison Thompson, W. N. Thoms, A. J. Tall, Warren Rash, Wm. M. Clark, John H. Quisenberry, Burgess Ecton, Jack P. Wells, Asa C. Barrow, Dr. Cunningham, and Burgess Kidd; at Kiddville under the direction of Aleck Anderson, Samuel G. Stuart, John H. Goff, Robt. Kidd, Peyton Adams, Jefferson Holley, Leonard Beall, William Rupard, jr.; and at Red River Iron Works under the direction of Josiah A. Jackson, Pleasant Blevins, A. M. Lindsay, and Jacob Kidd. The commissioners at each of the places shall procure one or more books, and in each of them enter as follows, viz: "We, whose names are hereunto subscribed, promise to pay the board of managers of the Winchester and Red River Iron Works Turnpike Road Company the sum of one hundred dollars for every share of stock set opposite to our names, in such manner and proportions, and at such times, as shall be determined on by said board, and agreeably to an act of Assembly incorporating said company. Witness our hands this — day of

Obligation.

_____." The books of subscription shall remain open until the whole capital stock shall be taken; and any person or corporation may subscribe at any time or place, in the presence of any one of the commissioners. And the trustees of the town of Winchester, by their treasurer or clerk, may subscribe for any number of shares they may deem proper, and levy the amount thereof upon the property within the limits or jurisdiction of said town, subject to town tax.

§ 4. When fifty shares of stock shall have been taken, the said commissioners shall give ten days' public notice, by publication in any newspaper printed in Winchester or otherwise, that the number of shares required for organization has been subscribed, and that a meeting of the stockholders will be held at such place as said commissioners shall designate in said public notice, for the purpose of organizing a board of managers for the construction of said road by the acceptance of this charter, and the election of five managers, one of whom shall be president of the board, to be designated as such by the stockholders at the time of the election of said board, and also by the election of a treasurer; at which election at least three of said commissioners shall be present, who shall take the vote by ballot of the stockholders, who shall have the right to vote in person or by proxy, in writing, each stockholder having one vote for every share of stock he holds. The said board of managers shall hold their offices for one year from the day of their election, and until others shall be duly elected and qualified.

§ 5. To enable the board of managers to carry out the objects of this charter, when organized as above provided for, it shall be, and is hereby, declared a body politic and corporate, in deed and in law, by the name and style of the "Board of Managers of the Winchester and Red River Turnpike Road Company," and under that name and style shall have perpetual succession, and all the privileges, immunities, and franchises of a body corporate and politic; and shall be capable of taking and holding the said capital stock and increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper to carry out the intent of this act; and of purchasing and holding to them and their successors in office and assigns, and also of selling, transferring, and conveying, in fee-simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to the prosecution of their work; of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law and equity, and in all places whatever; also to have and use a common seal, and the same to alter and renew at

1860.

How long books to be kept open, and who may take stock.

When meeting of stockholders to be called for election of officers.

Name and style, and corporate powers.

1860.

pleasure; and to make all such by-laws, not inconsistent with the constitution and laws of this State and of the United States, as may be necessary for the government of the affairs of said board, and do all and every other act and thing which a turnpike corporation may lawfully do.

Clarke & Powell co'ty courts may take stock.

§ 6. That the Clarke and Powell county courts (each for itself) is hereby authorized and empowered to authorize their clerk to subscribe for as many shares of stock in said company as private individuals, partnerships, or corporations may subscribe, which subscriptions, when made, shall be binding on said counties; and it shall be the duty of said county court making such subscription or subscriptions, to levy the amount thereof upon the property within their respective counties, subject to the payment of State revenue; and the sheriff shall collect and pay over the same to the treasurer of said county within the same time, and under the same liabilities and penalties prescribed for the collection and payment of the State revenue tax, and shall have the same power to enforce the collection thereof; and shall receive as compensation for his services four per cent. upon the amount collected and paid over; and the county court may distribute the sum subscribed in the assessment of taxes to pay it through two or more years.

Width of road.

Record to be kept.

May erect gates.

§ 7. The board of managers may fix the width of their road, not less than thirty feet in the whole, and the part covered with stone, gravel, or plank, not less than sixteen feet; and they shall keep a record of their proceedings, which shall at all times be open to the inspection of each and all the shareholders; may erect toll-gates for each five miles of road completed, and collect the same rates of toll as the Winchester and Lexington turnpike may lawfully do; and in acquiring the right of way, stone quarries, land for toll-gates, and in every other respect, shall have and possess all the rights, privileges, powers, and immunities of any other turnpike road company within this State.

§ 8. This act shall take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 122.

AN ACT to amend the charter of the Paris and Bethlehem Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May intersect Paris and Clintonville road.

§ 1. That the act incorporating the Paris and Bethlehem turnpike road company, approved March 10, 1856, be so amended as to allow said company to intersect the Paris and Clintonville turnpike road at any point they may deem most practicable; and that the Paris and Bethlehem and

1860.

the Paris and Clintonville turnpike road companies be allowed to consolidate the two said roads, and erect a joint toll-gate between the point of their junction and the Maysville pike, not less than one mile from the town of Paris; or said company may, if they deem proper, leave the Cleaveland road at or near Bealert's blacksmith shop, and intersect the Lexington and Maysville turnpike road at such point as they may think proper.

§ 2. That the width of said road shall not, at any point where it will admit of it, be less than thirty feet, and the metal part of it shall not be less than fifteen feet.

Width of road.

§ 3. That when three or more miles of said road shall be completed, the company may erect a toll-gate, and charge toll thereon, not exceeding the rates per mile now allowed by the act of incorporation, and in proportion to the distance completed.

When gate may be erect'd.

§ 4. That the president and directors of said road be, and are hereby, authorized to open books for the subscription of stock, and to extend said road to the Fayette county line, in the direction of Childsburgh, in so far as the subscription will justify.

May open books.

§ 5. That the stockholders of said road shall be exempt from furnishing hands to work on any other road in Bourbon county, to the extent of one hand for each one hundred dollars they may own in said road.

Stockholders exempt from work'g on other roads.

§ 6. That the Bourbon county court may subscribe stock in said company (a majority of its justices being present and concurring) by an order directing its clerk to make such subscription, and when made, shall be obligatory on said county court.

Bourbon co'ty court may take stock.

§ 7. The capital stock of said company may be increased whenever it may become necessary.

§ 8. That this act shall take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 123.

AN ACT for the benefit of the securities of W. L. Simons, late sheriff of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the securities of W. L. Simons, late sheriff of Todd county, in his revenue bond for 1858, be, and they are hereby, released from the damages adjudged against them by the Franklin circuit court, by reason of his failure to pay in the revenue collected by him for the year 1858: *Provided.* This act shall not take effect until said securities shall pay, or cause to be paid into the treasury, all the rev-

1860.

enue due from said Simons, sheriff as aforesaid, together with interest and cost of judgment, and receive a quietus for the same.

§ 2. This act shall take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 124.

AN ACT in relation to the Winchester and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Winchester and Kentucky river turnpike road company to charge and receive full toll at their gate nearest Winchester, upon all travel coming upon or leaving said road at the intersection of said turnpike with the old Boonesboro road, near the late residence, of Lewis Hampton, on said turnpike; and they may collect upon all travel through their gate nearest the Kentucky river, the same tolls that they might collect if it was a full gate.

§ 2. That the subscribers of stock in said road be exempt from working any other road in Clarke county, to the extent of one hand for each share of one hundred dollars of stock subscribed and paid in, in said road.

§ 3. That this act shall take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 125.

AN ACT authorizing the County Court of Bracken county to improve the Stroube Mill Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bracken county be, and the same is hereby, authorized and empowered to appropriate a sum not exceeding three hundred dollars, for the improvement of the county road leading from Rock Spring, on the Ohio river, to Pleasant Ridge, known as the "Stroube Mill" road.

§ 2. This act to take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 126.

1860.

AN ACT to amend an act to amend the charter of the North Middletown and Mt. Sterling Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act, entitled "An act to amend the charter of the North Middletown and Mt. Sterling turnpike road company," approved February 2, 1858, as prohibits the erection of toll-gates on said road, within one mile of either terminus of said road, be repealed; and the board of directors of said company are hereby authorized and empowered to erect said gates on the most eligible sites.

§ 2. The term "mill," employed in the charter, shall be construed to mean grist mill alone.

§ 3. This act to take effect from its passage.

Approved February 3, 1860.

CHAPTER 127.

AN ACT to establish a State Road from Hopkinsville to Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joab Watson, Abr. Boyd, and L. D. Husbands, be, and they are hereby, appointed commissioners, they, or any two of them, to view and mark the best, nearest, and most practicable route for a State road from Paducah to Hopkinsville, beginning at the bridge on Island creek, at the upper boundary of the city of Paducah, and running with the present Gray's Ferry road, crossing Clark's river, in McCracken county, at the new bridge now being erected across said river, and thence continuing on with the present Gray's Ferry road to the southwest corner of section number thirteen, in township six, and range two, east; and from that point running an east course so far as said commissioners may deem best; and thence the best and most practicable route to the town of Hopkinsville, in Christian county; and said commissioners, or any two of whom, shall proceed to view and mark the route for said road, and give notice thereof to those over whose lands the proposed road is to run: *Provided*, They reside thereon, or may be known to said viewers, and, if desired by said owners, that they estimate the damages he, she, or they will sustain by the establishment of said road; and it shall and may be lawful for them to report all of their proceedings in full to the county court of McCracken county, which court, in its discretion, is hereby authorized and empowered to adopt said report, and ratify

Comm'rs to lay out road.

Route.

To report to McCracken co's court.

1860.

the same; and when done, said route, so reported and ratified by said court, shall be a State road, and thereafter not to be changed by the county court of any county. Said road to be thirty feet in width, and to be cleared smooth twenty feet in width.

When court to
make assessm't
of damages.

§ 2. That if any proprietor of lands over which the road may be established shall fail to require an assessment of damages by the commissioners, and shall apply to the county court of the county where the lands shall lie, any time within twelve months (and not after) from the adoption of the commissioners' report by the McCracken county court, the court of any such county shall make an order for the assessment of damages by a jury, which shall be paid by such county, who shall be governed by the provisions of the Revised Statutes concerning roads, so far as the same may be applicable.

County courts
to lay off road
into working
districts.

§ 3. That upon the establishment of said road by the county court and commissioners in manner as aforesaid, it shall be the duty of the several county courts through whose counties said road shall pass, to lay off said road into convenient sections or precincts, within their respective counties, and appoint overseers and a sufficient number of hands to open and keep the road in repair as aforesaid.

§ 4. That to whatever extent said road may be established, on or with any other road or roads heretofore established by law or a county court, the establishment of the road under this act shall operate as a merger and discontinuance of such other road or roads; and the several county courts shall be governed accordingly.

Commis'srs to
take oath, and
compensation.

§ 5. That said commissioners shall, before they proceed to the duties assigned them by the provisions of this act, take an oath before some justice of the peace to perform faithfully and impartially the duties assigned them under this act. And said commissioners, or such as shall act, shall each be entitled to two dollars per day while engaged in the duties aforesaid, to be paid by the county court of McCracken county.

§ 6. And this act to take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 128.

1860.

AN ACT to provide an additional voting place in District No. 2, in Campbell county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established, in district No. 2, in the county of Campbell, an additional voting place, at Gohes Hill school-house, at which place all legal voters residing in said district, west of the Campbell turnpike road, shall be entitled to vote; and the county court of said county shall hereafter appoint officers to hold elections at said place of voting, under the same rules and regulations as are now prescribed by the general laws.

Approved February 3, 1860.

CHAPTER 129.

AN ACT to incorporate the Winchester and Irvine Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of making a macadamized, plank, or gravel turnpike road, in all or in part of either material, (and omitting either material where the ground may not require it,) from the town of Winchester, crossing between the mouth of Red river and the mouth of Lulhegrud creek, to Irvine, under the name and style of the Winchester and Irvine Turnpike Road Company.

Company incorporated.

§ 2. That the capital stock of said company shall be sixty thousand dollars, which shall be placed under a board of managers to be appointed in the manner hereinafter directed.

Capital stock.

§ 3. That books for the subscription of stock shall be opened at any time after the passage of this act at the town of Winchester, under the direction of H. G. Poston, James H. G. Bush, James Flannagan, A. L. Hagard, B. N. Wenn, A. H. Buckner, W. H. Wenn, Dr. Chase, and Charles Williams; at Irvine, under the direction of Robert Huty, Wm. J. Clark, Albert N. Curtis, Daniel B. Schod, Sydney M. Barnes, Harrison Moore, M. G. Pigg, N. B. Stivers. The commissioners at such places shall procure one or more books, and in each of them enter as follows, viz: "We, whose names are hereunto subscribed, promise to pay the board of managers of the Winchester and Irvine turnpike road company the sum of one hundred dollars for every share of stock set opposite our names, in such manner and proportions, and at such times as shall be determined on by said board, and agreeably to an act of

Comm'rs to open books.

Obligation.

1860.

Who may sub-
scribe stock.

assembly incorporating said company. Witness our hands this — day of —, 18—. The books of subscription shall remain open until the whole capital stock shall be taken; and persons or corporations may subscribe at any time or place, in the presence of any one of the commissioners; and the trustees of the town of Winchester and Irvine, by their treasurer or clerks, may subscribe for any number of shares either may deem proper, and levy the amount thereof upon the property within their limits or jurisdiction, subject to town tax.

When meeting
to be called, &
officers elected.

§ 4. When eighty shares of said stock shall have been taken, the said commissioners shall give ten days' notice in the Winchester Chronicle, or other paper printed in Winchester, that the number of shares required for organization has been subscribed, and that a meeting of stockholders will be held at such place as said commissioners may designate in said notice for the purpose of organizing a board of managers for the construction of said road, by the acceptance of this charter and the election of five managers, one of whom shall be president of the board, to be designated as such by the stockholders at the time of the election of said board; and also, by the election of a treasurer, at which election at least three of said commissioners shall be present, who shall take the vote by ballot of all the stockholders who shall have the right to vote in person or by proxy, in writing, each stockholder having one vote for every share of stock he holds. The said board of managers shall hold their offices for one year from the day of their election, and until others shall be duly elected and qualified.

Term of office.

Created body
politic and cor-
porate.

§ 5. To enable the board of managers to carry out the objects of this charter, when organized as above provided for, it shall be, and is hereby, declared a body politic and corporate, in deed and in law, by the name and style of "The Board of Managers of the Winchester and Irvine Turnpike Road Company," and under that name and style shall have perpetual succession, and all the privileges, immunities, and franchises of a body corporate and politic, and shall be capable of taking and holding the said capital stock and increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper to carry out the intent of this act; and of purchasing and holding to them and their successors in office and assigns, and also of selling, transferring, and conveying, in fee-simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to the prosecution of their work; of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law and equity, and in all places whatever; also, to have

1860.

and use a common seal; and the same to alter and renew at pleasure; and to make all such by-laws, not inconsistent with the constitution and laws of this State and of the United States, as may be necessary for the government of the affairs of said board, and do all and every other act and thing which a turnpike corporation may lawfully do.

§ 6. That the Clarke and Estill county courts are hereby authorized and empowered (each for itself) to authorize their clerk to subscribe for as many shares of stock in said company as private individuals, partnerships, and corporations may subscribe, which subscription, when made, shall be binding on said county or counties. And it shall be the duty of said county courts, upon making said subscription or subscriptions, to levy the amount thereof upon the property within their respective counties, subject to the payment of State revenue; and the sheriff shall collect and pay over the same to the treasurer of said county within the same time, and under the same liabilities and penalties prescribed for the collection and payment of the State revenue tax, and shall have the same power to enforce the collection thereof; and shall receive, as compensation for his services, four per cent. upon the amount collected and paid over; and the county court may distribute the sum subscribed in the assessment of taxes to pay it through two or more years.

Clarke & Estill
county courts
may take stock.

§ 7. The board of managers may fix the width of their road, not less than thirty feet in the whole, and the part covered with stone, gravel, or plank, not less than sixteen feet; and they shall keep a record of their proceedings, which shall at all times be open to the inspection of each and all the shareholders; may erect toll-gates for each five miles of road completed, and collect the same rates of toll as the Winchester and Lexington Turnpike Road Company may lawfully do; and in acquiring the right of way, stone quarries, land for toll-gates, and in every other respect, shall have and possess all the rights, privileges, powers and immunities of any other turnpike road company within this State.

Width of road.

To keep record
of proceedings.

May erect gates

§ 8. This act shall take effect from and after its passage.

Approved February 3, 1860.

CHAPTER 130.

AN ACT to establish a State Road from Paducah to Murray.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. H. Morrow, S. M. Purcell, and L. D. Husbands, be, and they are hereby, appointed commissioners, they or any two of whom, to view and mark the

Comm'rs ap-
pointed to lay
out road.

1860.

best, nearest, and most practicable route for a State road from Paducah to the town of Murray, in Calloway county, beginning at some suitable point on the present Gray's Ferry road, between Island creek and Clark's river, and from thence the nearest and most practicable route to Purcell's mill, on the west fork of Clark's river, and from thence the best practicable route to Murray; said road to be made thirty feet wide, twenty-five feet of which to be made smooth and clear of stumps; and said commissioners, or a majority of them, shall proceed to view and mark the road, and give notice thereof to those over whose lands the road is to run: *Provided*, They reside thereon, or may be known to said viewers; and if desired by said owners, that they estimate the damages he or she or they will sustain by the establishment of said road; and it shall and may be lawful for them to report all their proceedings in full to the McCracken county court, which court, in its discretion, is hereby authorized and empowered to adopt said report and ratify the same; and when done, said road so reported and ratified shall be a State road, and thereafter not to be changed by the county court of any county; said road to be thirty feet in width, and to be cleared smooth twenty-five feet in width.

Proceedings
in case owner
of land fails to
require assess-
ment of dam-
ages in 12 mo's.

§ 2. That if any proprietor of lands over which the road may be established shall fail to require an assessment of damages by the commissioners, and shall apply to the county court of the county where the lands shall lie, any time within twelve months (and not after) from the adoption of the commissioners' report by the McCracken county court, the court of any such county shall make an order for the assessment of damages by a jury, (which shall be paid by such county,) who shall be governed by the provisions of the Revised Statutes concerning roads, as far as the same may be applicable.

Overseers to be
appointed after
road is laid out.

§ 3. That upon the establishment of said road by the commissioners and the county court in manner as aforesaid, it shall be the duty of the several county courts through whose counties said road shall pass, to lay off said road into convenient precincts within their respective counties, and appoint overseers and a sufficient number of hands to open and keep the road in repair.

Other roads
discontinued.

§ 4. That to whatever extent said road may be established, on or with any other road or roads heretofore established by law or a county court, the establishment of the road under this act shall operate as a merger and discontinuance of such other road or roads, and the several county courts shall be governed accordingly.

Commissioners
to take oath.

§ 5. That said commissioners shall, before they proceed to perform the duties assigned them under this act, take an oath before some justice of the peace to perform faith-

fully and impartially the duties assigned them under this act; and said commissioners, or such as shall act, shall each be entitled to two dollars per day while engaged in the duties required of them in the foregoing and subsequent sections of this act, to be paid by the county court of McCracken county.

§ 6. That for the purpose of having that part of said road, which shall pass through Clark's river bottom, well opened and ditched, or thrown up in the middle, said commissioners are hereby authorized and empowered to receive private subscriptions from individuals for the completion of said road, and it is hereby made lawful for said commissioners, if necessary, to sue in their names as commissioners of said road, and recover such subscription money, and apply the same, as well as all other moneys to them paid, to the opening, ditching, and throwing up of said road.

§ 7. That this act take effect from its passage.

Approved February 3, 1860.

1860.

Pay of commissioners.

May receive private subscriptions to make road in Clark's Bottom.

CHAPTER 131.

AN ACT to charter the Fern Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of "The Fern Creek Turnpike Road Company," for the purpose of making an artificial road with stone from a point near the second toll-gate of the Bardstown turnpike road, and extending five miles south to a point at or near James W. Graham's, running with or near the line of the old Shepherdsville dirt road.

Name and style.

§ 2. That the capital stock of the company shall be fifteen thousand dollars, divided into shares of fifty dollars each; but the capital stock may be increased, if necessary, to twenty thousand dollars.

Capital stock.

§ 3. That books for the subscription of stock in said company shall be opened at such times and places as may be agreed upon by the commissioners hereinafter appointed, viz: Lewis Smyser, Amos Seebolt, David Lynam, jr., Oliver P. Williamson, Jacob L. Smyser, John H. Seebolt, George Heafer, George W. Hikes, Henry Bence, and James W. Graham, or any one or more of them. The books may continue open until all the stock is subscribed.

Books to be opened.

§ 4. That so soon as said company is organized by the election of officers, the president and directors shall possess all the rights, powers, and privileges, and shall and may do all acts and things necessary for laying out, causing survey, and for carrying on and completing said road; and the said company, under the name and style of the "Fern Creek

Corporate powers.

1860. Turnpike Company," shall have and enjoy all rights and privileges common to such corporations.

Width of road.

§ 5. That said road shall not be less than ten feet wide, nor be of a grade exceeding twenty degrees.

To commence road within five years.

§ 6. That if the construction of the road provided for by this act shall not be commenced within five years from the passage hereof, the rights, privileges, and immunities hereby granted, shall be forfeited.

When may erect gate.

§ 7. That whenever three continuous miles of said road are completed, the company may erect a toll-gate and charge toll thereat; the price per mile not exceeding the rate charged by the Bardstown turnpike company.

§ 8. This act shall take effect and be in force from the passage thereof.

Approved February 3, 1860.

CHAPTER 132.

AN ACT to incorporate the Garrard county and Wallace Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body corporate

§ 1. That persons who subscribe stock to construct a turnpike road commencing on the Richmond and Lancaster turnpike road, at the Hiatt farm, in Garrard county, and running into Madison county, to or within one mile of Kirksville, and intersecting the Richmond and Lancaster turnpike at such point as the directors may designate, be a body politic and corporate, under the style of the "Garrard county and Wallace Mill Turnpike Road Company," and by that name may sue and be sued, and shall have perpetual succession, the capital stock of which shall not exceed twenty thousand dollars.

Commissioners to open books.

§ 2. The following persons shall be commissioners to obtain stock in said company: James W. Estill, W. J. Gilispi, Cyrus Doty, James W. Black, Salem Wallace, Peter Gentry, Franklin Smith, any three of whom may, at any time they think proper, cause books for the subscription of stock to be opened at such place as they may designate by posting up advertisements at five or more public places in the vicinity of the proposed road. The stockholders shall be authorized to organize and elect a board of officers whenever five thousand dollars of stock is subscribed, and ten days' notice of the time and place of the election shall have been given at five or more public places in the vicinity of the subscribers.

Who to manage road.

§ 3. The said road shall be under the control and management of a president and four directors, who shall, after the first election, hold their offices one year, and until their

successors are elected and qualified. The first officers elected shall hold their offices from the time they are qualified until the first Saturday in May succeeding, and until the election of their successors.

§ 4. The provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved the first of March, 1844, entitled "An act to incorporate the Danville and Hustonville Turnpike Road Company," so far as the same are not changed by this act, and are applicable, shall be the law governing the company hereby incorporated: *Provided*, That notices under this charter may be posted up in five or more public places in the vicinity of the proposed road, of calls on stock.

Provisions of charter of Danville and Hustonville road made applicable.

§ 5. The commissioners shall have ten years to organize under this act, from the date of its passage.

Approved February 3, 1860.

CHAPTER 133.

AN ACT to confirm and amend the charter of the Lexington and Herriott Mill Turnpike Road Company, and to change its name.

WHEREAS, Divers persons, residing in the counties of Fayette and Scott, subscribed money for the construction of a turnpike road from the terminus of the Lexington and Frankfort turnpike road to Herriott's Mill, in Scott county, its general course being the same as the old road; and whereas, the said subscribers were, on petition to the county courts of each of said counties, incorporated under the name of the Lexington and Herriott's Mill Turnpike Road Company; and the said company has completed its organization, received subscriptions to its stock, elected officers, made contracts, and constructed a large portion of the road; and whereas, the said orders of incorporation may have been irregular or defective, from having been made by different courts, or from some other cause; and, out of abundant caution, it is deemed prudent that an act be passed confirming the incorporation of the company, and the contracts made by and with it, and legalizing its past and regulating its future action.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the orders of the county courts of Fayette and Scott counties, establishing the said Lexington and Herriott's Mill Turnpike Road Company, be, and the same are hereby, legalized, confirmed, and made valid and effectual, *ab initio*; and that the said association, now acting as such company, be, and it hereby is, confirmed and established as a body politic and corporate, having all the rights and

Order of Fayette and Scott county courts establishing road legalized.

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powers, and subject to all the obligations and responsibilities of a corporation duly established under and pursuant to the provisions of chapter 103 of the Revised Statutes; and it shall be, in all respects, subject to the provisions of said article, except as herein otherwise directed.

Acts of comp'y
legalized.

§ 2. That all the past acts, contracts, and other proceedings, of the said company, and all conveyances and releases of rights of way and other interests to it, and all contracts and promises made with and to it, and all subscriptions to its stock, and undertaking to pay it or its officers for stock, are hereby made and declared to be legal, valid, and obligatory, as fully as if the same had been made or taken place under or in connection with regular and valid orders and proceedings of incorporation by the county courts, or under and after this act.

Name & style,
and route of
road.

§ 3. That the name of said corporation shall hereafter be the Bethel Turnpike Road Company; and by that name it shall have power to contract, to sue and be sued, as well upon the contracts heretofore as upon those hereafter made by it. It shall have power to construct and finish a stone turnpike road between the points aforesaid along the general route of the Bethel dirt road; but may make such deviations therefrom, and such alterations of the designated route, as the board of managers may determine upon. And, with a view to that, the said company may, with its agents and employees, enter upon the land and inclosures through and over which they may desire the said road to pass; may survey routes, examine quarries of stone and gravel, and contract with the owners for the use thereof for said company; and if said company and the owner of any land or quarry needed for the company do not agree on terms for the use thereof, the said company may have the same *condemned* in the manner prescribed in said chapter 103 of the Revised Statutes, entitled "Turnpikes and Plank Roads;" and it shall, besides, have full power to do any and every act (not inconsistent with law) necessary and proper to carry into effect the objects of this charter.

Capital stock.

§ 4. That the capital stock of said company shall be fourteen thousand dollars, divided into shares of fifty dollars each; and, accordingly, each present share shall be divided into two. The board of managers, at their discretion, may receive further subscriptions to the stock until it reaches the amount herein specified.

May condemn
land for toll-
houses, &c.

§ 5. That said company may cause land to be condemned for toll-houses; may erect toll-gates; may exact toll on the terms, in the manner, and to the extent prescribed and authorized in said chapter of the Revised Statutes; and the said company may erect a gate and exact toll at or near each terminus of the road when completed; but in that case shall only exact half toll at each

of said gates, or toll in proportion to the distance the said road may be traveled on.

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§ 6. That said company may, upon the completion of any five miles of said road, erect a gate, and compel payment of toll for travel upon the same, as if the entire road was completed.

When toll may be collected.

§ 7. It is further enacted, that said company shall have power to prescribe, by its by-laws, the time for the annual election of its officers.

Annual election.

§ 8. This act shall take effect from the day of its passage.

Approved February 3, 1860.

CHAPTER 134.

AN ACT to incorporate the Green county and Taylor county Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, under the name and style of the "Green county and Taylor county Turnpike Road Company," for the purpose of constructing an artificial road from the present terminus of the Greensburg and Taylor county turnpike road, near Hilliard's old shop, in Green county, to the town of Campbellsville, in Taylor county.

Name & style.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of twenty-five dollars each. This capital may be enlarged or diminished, according as it may require more or less to complete said road.

Capital stock.

§ 3. Books for the subscription of stock in said company may be opened at any time after the passage of this act, at Greensburg and Campbellsville, and at other points, under the direction of Joseph Chandler, A. F. Gowdy, Sam'l O. White, Geo. W. Montague, Alfred Hazelwood, Aaron Harding, E. H. Hobson, R. A. Taylor, sr., W. N. Vaughn, S. A. Spencer, and J. M. S. McCorkle, or some one or more of them at each place, who are appointed commissioners. They shall at each place have or procure a book or books, and the subscribers for stock in said company shall enter into an obligation in said books to pay to the president and directors of the Green county and Taylor county Turnpike Road Company the sum of twenty-five dollars for each share of stock set opposite their names, at such time and in such manner as may be required by the said president and directors; and should the subscriber wish to pay in work, he shall append to his name, "to be paid in work on the road, in such time and manner as may be required

Comm'r's to open books.

1860.

by the president, and at such value as may be agreed upon by the president or fixed by the superintendent or engineer of said road."

When meeting
of stockholders
to be called.

§ 4. That so soon as seventy-five shares of stock in said company shall be subscribed, said commissioners, or some one or more of them, shall give ten days' previous notice, by written advertisements posted up at Greensburg and Campbellsville, and some other public place in the neighborhood, for the meeting of the stockholders at Campbellsville or at Greensburg, as may be fixed on, for the election of officers, and organizing under this charter; and when assembled, they shall, under the supervision of two or more of the commissioners who shall attend, proceed to elect a president and four directors, who shall hold their offices for one year, and until their successors shall be duly elected and sworn. They shall be sworn before some magistrate to discharge their duties faithfully and impartially.

When to be-
come body cor-
porate.

§ 5. That upon the election and qualification of the president and directors aforesaid, they shall be a body politic and corporate, under the name and style of the "Green county and Taylor county Turnpike Road Company," and by that name and style shall have perpetual succession, and possess all the rights and privileges incident to corporations; and shall be capable in law of suing for and recovering and holding their capital stock subscribed, and of receiving and holding, of purchasing and selling and conveying any estate, real and personal, as may be necessary for them in the prosecution of their work on said road; to sue and be sued, defend and be defended, in all courts or places; also to have a common seal, and the same to alter at pleasure.

To pay \$5 on
each share be-
fore allowed to
vote.

§ 6. That at or before the meeting to elect the president and directors, each subscriber of stock for money shall pay the sum of five dollars on each share before he shall be allowed to vote at said election; and any subscriber qualified to vote, may do so by proxy. The money thus paid over shall be received for the time being by one of the commissioners, and paid over to the treasurer when that officer is appointed and qualified.

Certain sec-
tions of another
act made appli-
cable.

§ 7. That so much of sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, nineteen, and twenty of an act, entitled "An act to incorporate Elizaville and Blue Lick turnpike road company," approved 9th February, 1858, (Session Acts 1857-8, page 305,) so far as they may not be provided for or changed by this act, are hereby incorporated and made part of this charter, with all the rights and privileges therein contained.

§ 8. That the general width of said road shall not exceed forty nor be less than thirty feet, and the artificial part not

Width of road.

less than eighteen feet in width, and the greatest elevation not to exceed four degrees.

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§ 9. That when said road, or four continuous miles thereof, shall have been graded to the width of eighteen feet, and with all necessary side-drains, culverts, and bridges, and shall be made so as to present a smooth surface, slightly elevated in the center, then the said president and directors shall have the right to erect a toll-gate at such point on said road as they may deem proper, and at which gate they shall have the right to demand, collect, and receive one half the toll now allowed by law to other turnpike roads of this State; and a proportionate rate of toll may be collected in addition for every mile that may be so graded over four miles: *Provided*, That no part of the tolls thus arising shall be distributed amongst the stockholders, but shall be expended by the president and directors in keeping up and metalling said road, and defraying expenses incurred by the company; and when said road shall be covered with stone or gravel for four continuous miles, to the width of fifteen feet and nine inches thick, then said president and directors may demand and receive and collect full toll, and a proportionable rate of toll may be collected in addition for every mile over four miles that may be so metalled; and not until the whole road shall be completed, and all liabilities of the company discharged, shall any dividends or profits be received by the stockholders.

When gate may be erected and toll collected.

§ 10. That the county courts of Green county and Taylor county are authorized, a majority of all the justices therein concurring, to subscribe, on the part of said counties respectively, twenty shares each, or any number they may deem proper; and may levy an annual tax upon the taxable property of said counties respectively, of not exceeding two cents on the one hundred dollars' worth of property in any one year, and may continue such levy annually until the amount subscribed shall be paid; and the sheriffs of said counties respectively shall collect the same, and pay it over to the treasurer of said company, as the court may direct.

Green & Taylor co's courts may take stock.

§ 11. That it shall be lawful, and within the discretion of the president and directors of said company, to make such arrangement or contract with any one or all those through whose land said road may run, by which said persons may be released from part or all of their tollage on said road, in consideration of the right of way being given to said company.

Persons may be exempt from toll for grant's right of way.

§ 12. This act shall take effect and be in force from and after the passage thereof.

Approved February 3, 1860.

1860.

CHAPTER 135.

AN ACT to incorporate the Bryantsville and Cane Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company incorporated.

§ 1. That persons who subscribe stock to construct a turnpike road from Bryantsville, at any point on the turnpike road from Bryantsville to Lexington, not more than three miles below Bryantsville, to Cane Run church, in Mercer county, crossing Dix river near King's mill, be a body corporate and politic, under the style of the Bryantsville and Cane Run Turnpike Road Company, and by that name may sue and be sued, and shall have perpetual succession, and the capital stock shall not exceed thirty thousand dollars.

Name & style.

Com'rs to open books.

§ 2. The following persons shall be commissioners to obtain stock in said company: J. S. Hoskins, C. E. Bowman, C. J. Spilman, H. F. Smith, and M. Robinson, or any two of them, who may, at any time they think proper, cause the books for the subscription of stock to be opened, after having given five days' notice of the place of meeting, by posting up written advertisements in three or more public places in the vicinity of the subscribers; the stockholders shall be authorized to organize, and elect a board of officers, when two thousand dollars of stock is subscribed, and five days' notice has been given of such election.

Width of road.

§ 3. That said road shall be opened not less than twenty nor more than fifty feet wide, and the artificial part thereof covered with stone, shall not be less than fifteen feet wide. The elevation of the grade of the road shall be fixed and regulated by the president and the managers of the company.

When gate may be erected, and toll collected.

§ 4. That when said road shall be opened and graded for any distance thereof, equal to two and a half miles, and a proper and sufficient coating of macadamized stone or gravel placed thereon; it shall be lawful for said company to erect a gate, and may charge half toll on the same, and to collect for the travel on said road the same rates of toll that are charged and allowed to be collected by the provisions of an act to charter the Danville and Hustonville turnpike road company: *Provided*, The company be allowed to charge toll on all vehicles going to and from mill. And it shall be lawful, when said road is completed, for the company to dispense with the half toll, and in lieu thereof erect and use gates, under the rules and regulations of the Danville and Hustonville turnpike road company.

Who to manage road.

§ 5. Said road shall be under the control and management of a president and five directors, who shall, after the first election, hold their offices until the first Saturday in December following, and until their successors are elected and qualified. The first board of officers shall be elected

at such time and place as the commissioners may direct. The stockholders shall, after the first election, elect a president and five directors, on the first Saturday in December.

§ 6. The provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved March 1st, 1844, entitled "An act to incorporate the Danville and Hustonville turnpike road company," so far as the same are not changed by this act, and are applicable, shall be the law governing the Bryantsville and Cane Run turnpike road company: *Provided*, That under this charter, all notices for calls on stock, elections, &c., may be given by posting up advertisements, (either written or printed,) and shall not be published in any newspaper.

§ 7. The commissioners shall have five years from the passage of this act to organize under the same.

§ 8. This act shall take effect from its passage.

Approved February 3, 1860.

1860.

Provisions of another charter made applicable to this.

CHAPTER 136.

AN ACT to incorporate the Dry Ridge Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That persons who subscribe stock to construct a turnpike road in Garrard county, from some convenient point on the Lancaster and Buckeye turnpike, near Hugh Logan's residence, to any point on Sugar creek, or the Kentucky river, near the mouth of said creek, be a body politic and corporate, under the style of the Dry Ridge Turnpike Road Company, and by that name may sue and be sued, and shall have perpetual succession; the capital stock of which shall not exceed twenty thousand dollars.

§ 2. The following persons are appointed commissioners to open books and obtain stock in said company: Walter Adams, Daniel Ray, John W. Letcher, William Collier, Tyre West, and John T. Leavel, any two of whom may act. They may, at any time they think proper, cause books for the subscription of stock to be opened, after giving ten days' notice of the place of meeting, by posting up advertisements in five or more public places in the vicinity of the subscribers. The stockholders shall be authorized to organize and elect a board of officers, whenever three thousand dollars of stock is subscribed, and ten days' notice is given of the time and place of such election.

§ 3. The management of said company shall be under a president and four directors, who shall, after the first election, hold their offices for one year, and until their success-

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ors are elected and qualified. The first board of officers shall be elected at such time and place as the commissioners who act shall direct, who shall hold their offices until the first Monday in September succeeding, and until their successors are elected and qualified.

§ 4. The provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved the first of March, 1844, entitled "An act to incorporate the Danville and Houstonville turnpike road company," so far as the same are not changed by this act and are applicable, shall be the law governing the Dry Ridge turnpike road company: *Provided*, All notices in newspapers shall be dispensed with; and notices of calls and meetings shall be posted up in public places in the vicinity of the road shall be sufficient.

§ 5. This act shall take effect from its passage.

Approved February 4, 1860.

CHAPTER 137.

AN ACT for the benefit of Miles Greenwood.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury, in favor of Miles Greenwood, of Cincinnati, for the sum of seven thousand three hundred and fifty-three dollars and nineteen cents, which shall be in full of all claims, principal and interest, which the said Greenwood has against the State of Kentucky, on account of furnishing a heating apparatus, and materials therefor, and putting up the same, for the Eastern Lunatic Asylum of this State.

§ 2. This act shall take effect from its passage.

Approved February 4, 1860.

CHAPTER 138.

AN ACT authorizing the Louisville Chancery Court to close Pope street.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Collis Ormsby, or any one else, to file a petition in the Louisville chancery court against the city of Louisville, and county of Jefferson, seeking to close Pope street from St. Catharine street southwardly to the intersection of said Pope street with Rothwell street, and Rothwell street, from its intersection

with said Pope street to its intersection with the Preston street plank road; and upon satisfactory proof to the said court that the public interest would be promoted, and private interest not injured, by the closing of said streets, it shall be lawful for said court to order both to be closed between the points aforesaid, or either of them to be closed, whichever the court may deem best.

§ 2. Said court may order a less portion of said Rothwell and Pope streets to be closed, if, upon the proof, the said court may deem it most beneficial to public or private interests.

§ 3. Upon the closing of said streets, or either of them, or any part of them, the said court shall decree the land in the said streets thus closed to those who own the lands adjoining them.

§ 4. The summons against the county of Jefferson shall be executed on the judge of the county court of said county.

Approved February 4, 1860.

CHAPTER 139.

AN ACT for the benefit of Alfred Smith, of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alfred Smith, former sheriff of Rockcastle county, have the further time of two years, from and after the passage of this act, to list and collect his fees, and arrearages of taxes, and county levies due him as sheriff aforesaid, being ~~subject~~ to the penalties of the law for issuing illegal fee bills.

§ 2. That the said Alfred Smith, sheriff aforesaid, shall have the further time until the first day of April, 1860, to pay into the public treasury the balance of the revenue tax due him as sheriff aforesaid; and if said public dues are promptly paid by the time aforesaid, the said Smith shall be released from paying the twenty per cent. damages now imposed upon sheriffs for failing to pay the revenue tax.

§ 3. Before said Smith shall be entitled to any of the benefits of the second section of this act, his sureties in his official bonds shall appear in the county court of said county, and have their consent entered of record to the extension of the time herein given to said Smith, in which to pay into the treasury any balance that may be due from said Smith, as sheriff aforesaid.

Approved February 6, 1860.

1860.

CHAPTER 140.

AN ACT for the benefit of W. S. Jordan, late Judge of Hickman county, and Levi Jackson, late Judge of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

W. S. Jordan. § 1. That W. S. Jordan, late judge of the Hickman county and quarterly court, be, and he is hereby, allowed the further time of two years, from the passage of this act, to collect his fee bills and costs, which collection may be made by levy, distress, or otherwise: *Provided, however,* That nothing herein contained shall exempt him from liability for issuing or collecting any illegal fee bills in closing up his business.

Levi Jackson. § 2. The provisions of this act shall apply to Levi Jackson, late judge of the Laurel county court.

Approved February 6, 1860.

CHAPTER 141.

AN ACT to incorporate the German Stone-Cutters' Benevolent Association, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names & corporate powers. § 1. That August Bergman, George Schuler, Lewis Huth, Isaac Muster, and Florian Bauer, and their successors, are hereby made a body corporate and politic, under the name and style of the "German Stone-Cutters' Benevolent Association, of the city of Louisville," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in any court in this Commonwealth; may purchase and hold such real and personal estate as may be necessary for the purposes of their said association; may receive and hold any kind of property by devise or by gift.

Officers may be elected, &c. § 2. That said association shall have the right to elect all such officers as it may deem proper, to hold their offices for such time as may be prescribed, and until their successors shall be elected and qualified; and to prescribe the qualifications for membership in their said association; and may make and ordain any and all by-laws, rules, and regulations for the wholesome government of their said association, as may be deemed right and proper, not inconsistent with the constitution and laws of this State or the United States.

Fees and dues may be collected. § 3. Said association shall have authority to levy and collect such fees for membership, and such annual dues thereafter to be paid by its members, and the time of payment, as may be deemed right and proper; and shall also

have the right to prescribe its own mode of paying out its surplus funds for charitable objects among its members, or to invest the same in such other manner as may be deemed proper and just. 1860.

§ 4. That said association shall have the right to take of its officers or agents such bonds for the faithful discharge of duty as may be proper for the security of its funds. May take bond from officers.

§ 5. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 142.

AN ACT to incorporate the Joiners' and Cabinet-makers' Benevolent Society, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Schafer, Peter Gestiez, H. Mansfield, D. Ruff, Adam Berter, and their successors, be, and they are hereby, created a body corporate and politic, under the name and style of "The Joiners' and Cabinet-makers' Benevolent Society of Louisville," and under that name and style may contract and be contracted with, may sue and be sued, plead and be impleaded, answer and be answered, in any court in this Commonwealth; may purchase and hold such real and personal estate as may be necessary for the purposes of said society; may receive and hold any kind of property by devise or by gift, not exceeding a capital of two hundred thousand dollars.

§ 2. That said society shall have the right to elect all such officers as it may deem proper, to hold their offices for such time as may be prescribed, and until their successors shall be elected and qualified; and to prescribe the qualification of membership in their said society; and may make and ordain any and all by-laws and regulations for the lawful government of their said society, as may be deemed proper for its objects, not inconsistent with the constitution and laws of the State of Kentucky and the United States.

§ 3. Said society shall have power to levy and collect such fees for membership, and such annual dues thereafter to be paid by its members, and time of payment, as may be fixed by the by-laws; and shall also have the right to prescribe its own mode of paying out its surplus funds for charities among its members, or to invest the same in such other manner as may be profitable, but not to exercise banking privileges.

§ 4. That said society shall have the right to take of its officers or agents such bonds for the faithful discharge of duty as may be necessary for the security of its funds.

1860. The Legislature reserves the right to modify, amend, or repeal this charter.

§ 5. This act to take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 143.

AN ACT to incorporate the "Clay Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Apperson, William Hoffman, Kirk C. Valdenar, James E. Apperson, Robinson M. Biggs, John W. White, Thomas F. Hazelrigg, and Richard Apperson, jr., and their successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Clay Manufacturing Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of said company, not inconsistent with the laws of Kentucky or of the United States.

§ 2. Said company shall have power and authority to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which may, from time to time, be adopted by said company for its government and the transaction of its business.

§ 3. The capital stock of said company shall be one million of dollars, to be divided into shares of one hundred dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in its by-laws; and said shares may be transferred in such manner as said company, by its by-laws, may direct. The capital stock may be increased to an additional million of dollars.

§ 4. That said company shall have power to hold such estate in the State of Kentucky, by purchase, lease, or otherwise, as it may deem necessary and proper for carrying on the mining of coal; the smelting of iron ore; the conversion of timber into lumber, fire-clay into bricks, and other things; the manufacture of oil, and other products of coal; of iron of all sorts, and other products of ore, and the manufacture of minerals generally; the building of machinery, and other things, which may be necessary for transporting the coal, oil, ore, iron, and all other things, to market; with power to sell and convey

all such products, materials, and estate at pleasure; and to the purposes aforesaid the business of said company shall be confined: *Provided, however,* That whatever may be necessary and expedient as incidental to said business, is not excluded from the power of said company.

1860.

§ 5. Said company may borrow money on such terms, and secure the same in such way, as may be prescribed by the by-laws, or determined on by the stockholders; but no banking privilege is hereby granted to said company.

§ 6. This act shall take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 144.

AN ACT to incorporate the Mt. Freedom and Buena Vista Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That persons who subscribe stock to construct a turnpike road from near Mt. Freedom church, in Jessamine county, crossing the Kentucky river near the mouth of Jessamine, to some convenient point near the residence of Hardin Perkins, in Garrard county, be a body politic and corporate, under the style of the Mt. Freedom and Buena Vista Turnpike Road Company, and by that name may sue and be sued, and shall have perpetual succession; the capital stock of which shall not exceed twenty-five thousand dollars.

Corporate powers.

§ 2. The following persons shall be commissioners to obtain stock in said company: Matthew Campbell, Jerome Sparks, Warren Hawkins, James McMurtry, William Overstreet, E. J. Terrill, and H. Z. Perkins, any two of whom may act; they may, at any time they think proper, cause the books for the subscription of stock to be opened, after having given ten days' notice of the time and place of meeting, at five or more public places in the vicinity of the proposed road. The stockholders shall be authorized to organize and elect a board of officers, whenever five thousand dollars is subscribed, and ten days' notice of such election has been posted up in five or more public places in the vicinity of the stockholders.

Comm'rs to open books.

§ 3. The road shall be under the control and management of a president and four directors, who shall, after the first election, hold their offices one year, and until their successors are elected and qualified; the first board of officers shall be elected at such time and place as commissioners who act may direct, who shall hold their offices until the first Monday in May succeeding, and until their successors are elected and qualified.

Who to manage road.

1860.

One hand
exempt from
work'g on roads
for each share
subscribed.

Provisions of
another act ap-
plicable.

§ 4. That persons who subscribe stock in said company shall have one hand exempt from working on county roads, for every one hundred dollars they may subscribe and pay in said company. After the said road is completed, the exemption shall only apply so long as such stockholder resides, or has hands living, in the vicinity of said road.

§ 5. The provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved the 1st of March, 1844, entitled "An act to incorporate the Danville and Houstonville turnpike road company," so far as the same are not changed by this act and are applicable, shall be the law governing the company hereby incorporated: *Provided*, That notices for calls on stock or meetings shall not be given in any newspaper; all such notices shall be given by posting up advertisements.

§ 6. The directors of said company shall be allowed to regulate the elevation of the grade of said road as they may think proper, so it does not exceed five degrees.

§ 7. This act shall take effect from its passage.

Approved February 6, 1860.

CHAPTER 145.

AN ACT for the benefit of the creditors of the New Orleans and Ohio Telegraph Company.

WHEREAS, It is represented that said company did, on the 20th of July, 1854, lease, alien, and convey to William D. Reid and others, for the full term of fifteen years from the first day of July, 1854, among other things, all their line of telegraph in Kentucky, together with all and singular the rights, franchises, and privileges belonging to said company; and whereas, it is represented that said company is insolvent; that executions against it have been returned no property found, and that it has no property which is subject to execution as the law now stands; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creditors may
bring action in
Louisville ch'y
court.

§ 1. That any creditor of said company may bring an action in the Louisville chancery court against said company, for the benefit of himself and all the other creditors of said company, for the settlement of the debts and claims against said company.

Court may or-
der reversiona-
ry interest of
company to be
sold.

§ 2. In said action, if it shall appear that said company has not sufficient property to pay all its debts, the court may order the reversionary interest of said company in its telegraph line, and all its rights, privileges, and franchises, to be sold for the payment of such debts and claims.

§ 3. In said action the court shall make an order for the creditors of said company to appear before the commissioner of the court, and prove their claim, by a certain day, to be named in the order; notice of which shall be given by advertisement in a newspaper.

1860.

Creditors to appear before commissioner & prove claim.

§ 4. A creditor appearing before the commissioner, and presenting his claim, becomes thereby a party to the action, and is concluded by the final judgment of the court, allowing or rejecting his claim; from which, however, an appeal may be prosecuted, as in other cases.

Creditor presenting claim to com'r becomes party to the action.

§ 5. The proceeds of said sale shall be distributed among the creditors *pro rata*.

Proceeds of sale to be divided *pro rata*.

§ 6. The purchaser or purchasers of said reversionary interest, rights, and franchises, shall have and possess all the property, rights, and franchises of said company.

Purchaser of reversionary interest possesses rights of company.

§ 7. Any surplus, after paying all of the debts of said company, shall be equally divided among the stockholders.

Surplus to be divided among stockholders.

§ 8. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 147.

AN ACT to amend an act incorporating the Kentucky Farmers' Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven, of the Kentucky Farmers' Insurance Company, be so amended that every person who shall become a member of said corporation, by effecting any insurance therein, shall, before he receives a policy, deposit his promissory note for such sum as may be determined by the directors, and pay the rates that shall be determined by them, a part not exceeding twenty per cent.

§ 2. That said company shall, hereafter, have power to take risks out of this State in the same manner, and under the same regulations, that they are authorized to take them in this State.

§ 3. That this act shall take effect from and after its passage.

Approved February 6, 1860.

1860.

CHAPTER 148.

AN ACT to appoint A. S. Brown a reviewer on the State Road leading from Paducah to Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. S. Brown, of Marshall county, be, and he is hereby, appointed a commissioner to fill the vacancy occasioned by the death of R. O. Morgan, to review and locate a State road, leading from Paducah to Hopkinsville, and he shall act in conjunction with the commissioners appointed by, and in accordance with, an act for that purpose, approved 17th February, 1858.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 152.

AN ACT to incorporate the Russellville and Franklin Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and
style, and cor-
porate powers.

§ 1. That a company shall be, and is hereby, incorporated to construct a road from Russellville to Middleton, in Logan county, by the name and style of the "Russellville and Franklin Turnpike Road Company," and by that name may sue and be sued, may plead and be impleaded, contract and be contracted with, and have and use a common seal, and change, alter, or amend the same at pleasure.

Capital stock.

§ 2. That the capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and directors may increase it to such amount as they may deem necessary, and open subscriptions therefor, in such way as they may deem best.

Commissioners
to open books.

§ 3. That George W. Munday, Joseph Offutt, Dr. R. N. Beauchamp, Will Morton, W. L. Harding, Henry L. Gillum, John Finch, Chas. P. Gillum, Jesse Harper, and F. G. Harvey, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock. In case the said persons shall refuse to act, from any cause whatever, the county court of Logan may, from time to time, fill any vacancy, or appoint some other person to act in place of such one or more of said commissioners, who may refuse to act. The said commissioners shall give notice of the time and place when and where books are to be opened for subscription of stock in said company.

§ 4. That so soon as one hundred shares shall have been subscribed by individuals and companies of said capital

stock, the commissioners shall give ten days' notice thereof, in some newspaper printed in the town of Russellville, of the fact, and appoint a time and place for a meeting of the stockholders in Russellville, who shall, by vote or written proxy, elect a president and five managers, to conduct the business of said corporation, by the style aforesaid; the president and managers, and all other officers of said company, shall severally take an oath before some justice of the peace, faithfully to discharge the duties of their respective offices; they shall, so soon as may be, locate said road, or any part thereof, and are hereby authorized to receive the written consent of any landholder through whose, or near whose lands the said road may pass, and the grant of the right of way, timber, stone or soil, to make said road, or keep the same in repair, which consent, when so given, shall be valid to every intent and purpose. And if most practicable, in the discretion of said company, said road, or any part thereof, may be constructed over the way now leading from Russellville to Middleton, as a public road.

1860.

When meeting
to be called, &
officers elected.

Officers of road
to take oath.

To locate road
and receive the
right of way.

§ 5. That said road shall be open at least thirty feet wide, or wider if necessary, not to exceed fifty feet, and shall be graded not to exceed — degrees, at least fifteen feet wide at the bottom of said road, where the ground will admit such width and grade.

Width of road.

§ 6. That when said road shall be opened and graded, for any distance thereof, equal to five miles, it shall be lawful for said company to erect a gate, or gates, upon the same, and collect for the travel on said road one half of the rates of tolls usually collected on finished turnpike roads, and at the same rates for any greater distance of said road, as soon as the same shall be opened and graded, as aforesaid; and whenever the said road shall be paved with stone, or macadamized with stone or hard gravel, at least fifteen feet wide, then the said company shall have full power to charge and collect full toll for so much of said road as may be completed.

When gate
may be erect'd.

§ 7. That the president and directors and company may take and use any timber, earth, gravel, stone, or other materials necessary for the construction or repair of said road, or any of its works; and may, for the purposes aforesaid, either by themselves or agents, or those with whom they may contract, enter upon, use, and excavate any such materials as may be wanted for the building or repair of said road, or for the erection of buildings necessary to its construction or repair: *Provided*, Such damages shall be first paid to the owners thereof as may be assessed by a jury under a writ of *ad quod damnum*, issued by the Logan county court, as in other cases provided.

May take and
use timber, &c.

1860.

May make by-laws, &c.

§ 8. That said company shall have the power to make all the necessary by-laws and rules for its government, not inconsistent with the constitution and laws of this State, and shall have the power to make such other officers as it may deem proper to a successful organization, and fix and pay such salaries to its officers as they may think right.

Election to be held annually.

§ 9. That an election for president and five directors of said company, shall be held annually, at such time and place as may be fixed upon in the by-laws; and the stockholders, in such elections, shall have the right to cast their vote by written proxy.

Record to be kept.

§ 10. The president and directors shall keep a record of their proceedings in a well bound book, which shall at all times be accessible to each and every one of the stockholders for inspection, upon application to said board.

§ 11. This act shall take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 153.

AN ACT to incorporate the Eminence and Shelbyville Turnpike Road Company.

WHEREAS, The directors of the Shelbyville and Eminence turnpike road company, believing that they were authorized and empowered by the terms of the charter of the Clear Creek turnpike road company and its amendments to continue their road from Tucker's, now Genovely's, blacksmith shop to Eminence, and have accordingly, in good faith, made a macadamized turnpike road from the former place to the latter, in accordance with the provisions and requisites of said charter as to the manner and mode of constructing the same; and whereas, doubts exist as to whether the said company had the power, under the charter aforesaid, so to continue their road; and the stockholders who subscribed stock to make the said continuance, desiring to have a separate charter for the road from Genovely's blacksmith shop to Eminence, the original subscribers to the Clear Creek turnpike road company desiring the separation, and the terms of the division of the road from Shelbyville to Eminence having been agreed upon by them; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company be, and is hereby, formed for the purpose of collecting the tolls, keeping in repair, reaping the profits, and holding the property in said road, to be known by the name and style of the "Eminence and Shelbyville Turnpike Road Company," and by that name shall be a body politic and corporate.

§ 2. Jos. H. Drane is appointed president, and Thomas Todd, John Hornsby, W. S. Helm, and Preston Thomas are appointed directors of said company to carry this act into effect; who, before entering upon the discharge of their duties, shall go before some justice of the peace and make oath that they will faithfully perform the duties of president and directors, (as the case may be,) without favor or affection, to the best of their judgment. Upon the qualification of the president and directors, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their offices at the pleasure of the board of directors appointing them.

1860.

Directors.

To take oath.

To appoint treasurer and other officers.

§ 3. The president and directors shall, as soon as practicable after the passage of this act, meet in the town of Shelbyville, having first given notice of said meeting in the Shelby News, and shall ascertain the amount contributed in money and in work and labor by each individual for the construction of said turnpike road, and shall deliver to him a certificate of stock, signed by the president and countersigned by the treasurer, at the rate of one share for every fifty dollars so furnished.

To deliver certificates of stock to those entitled to the same.

§ 4. On the first Saturday in May, 1860, and every year thereafter, there shall be an election for president and directors held in the town of Eminence, who shall hold their offices for one year, and until their successors are elected and qualified. The time and place of election shall, after the first election, be appointed by the president and directors, or by a by-law of the corporation: *Provided*, that an election shall be held annually; and if the time and place shall be changed from that above named, notice shall be given three weeks prior to the election in the Shelby News, or some paper published in Louisville.

When president and directors elected, a term of office.

§ 5. The said turnpike road is declared to extend from the town of Eminence six and a half miles south, or until it meets the northern terminus of the road of the Shelbyville and Eminence turnpike road company.

Length of road.

§ 6. The Eminence and Shelbyville turnpike road company are hereby authorized and empowered, through their board of directors, to sell and transfer, for a fair and just equivalent, all the right, title, and interest of said company in and to three fourths of a mile of said road off of the end next to Tucker's, now Genovely's, blacksmith shop, to the Shelbyville and Eminence turnpike road company.

May sell part of said road.

§ 7. That the provisions of an act, entitled "An act to incorporate the Lebanon, New Market, and Springfield turnpike road company," approved February 18, 1848, from the sixth to the ninth sections inclusive, and from the twenty-second to the thirty-fourth sections inclusive, and the fourth section, so far as the same may be applicable and not inconsistent with the former sections of this act,

Certain sections of another charter made applicable to this.

1860.

be, and the same are hereby, extended to the Eminence and Shelbyville turnpike road company incorporated by this act.

May issue
bonds.

§ 8. The company is authorized to issue their bonds to the amount of five thousand dollars, in sums of one hundred dollars each, bearing interest at any rate not exceeding ten per cent. per annum, and redeemable in five years, for the purpose of liquidating their debts; which bonds may be reissued at the expiration of five years, if deemed advisable by the company, for an additional five years.

§ 9. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 154.

AN ACT to amend the charter of the Stanford and Houstonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act incorporating the Stanford and Houstonville Turnpike Road Company, approved the 20th day of March, 1851, be so amended as to allow said company to collect the usual toll on all wagons, carts, and other vehicles going to and from mills.

§ 2. That said company may erect a gate between the town of Stanford and the intersection of the Knob Lick road with the road of said company; and that the present location of the gate nearest Houstonville be legalized.

§ 3. That this act be in effect from its passage.

Approved February 6, 1860.

CHAPTER 155.

AN ACT for the benefit of the creditors of the People's Telegraph Company.

WHEREAS, It is represented that on the 20th day of July, 1854, lease and convey to William D. Reid and others, for the full term of fifteen years from the first day of July, 1854, among other things, all their line of telegraph in Kentucky, together with all and singular the rights, franchises, and privileges belonging to said company; and whereas, it is represented that said company is insolvent; that executions against it have been returned no property found, and that it has no property which is subject to execution as the law now stands; therefore,

1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any creditor of said company may bring an action in the Louisville chancery court against said company, for the benefit of himself and all the other creditors of said company, for the settlement of the debts and claims against said company.

Creditors may bring action in Louisville ch'y court.

§ 2. In said action, if it shall appear that said company has not sufficient property to pay all its debts, the court may order the reversionary interest of said company in its telegraph line, and all its rights, privileges, and franchises, to be sold for the payment of such debts and claims.

Court may order reversionary interest of company to be sold.

§ 3. In said action the court shall make an order for the creditors of said company to appear before the commissioner of said court, and prove their claims, by a certain day, to be named in said order; notice of which shall be given by advertisement in a newspaper.

Creditors to appear before commissioner & prove claim.

§ 4. A creditor appearing before the commissioner, and presenting his claim, thereby becomes a party to the action, and is concluded by the final judgment of the court, allowing or rejecting his claim; from which, however, an appeal may be prosecuted, as in other cases.

Creditor presenting claim to com'r becomes party to the action.

§ 5. The proceeds of said sale shall be distributed among the creditors *pro rata*.

Proceeds of sale to be divided *pro rata*.

§ 6. The purchaser or purchasers of said reversionary interest, rights, and franchises, shall have and possess all the property, rights, and franchises of said company.

Purchaser of reversionary interest possesses rights of company.

§ 7. Any surplus, after paying all the debts of said company, shall be equally divided among the stockholders.

Surplus to be divided among stockholders.

§ 8. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 156.

AN ACT to amend the charter of the town of Foster, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in four trustees and a police judge, the latter of whom, by virtue of his office, shall be chairman of the board of trustees. Said trustees, together with a town marshal, shall be annually elected, on the first Saturday in February, by the free white male inhabitants, over the age of twenty-one years, who shall have resided in said town three months previous to said election, and are qualified voters by the laws of the State. The police judge shall be elected at the same time, and hold his office for the same term, as county judges are required to be elected.

Fiscal concerns of said town vested in four trustees and a police judge, & when elected.

1860.

Term of office,
and jurisdiction.

§ 2. That the police judge, trustees, and town marshal shall hold their respective offices as follows: Police judge shall hold his office for the term of four years, and shall be commissioned by the Governor of the State, and shall have concurrent jurisdiction with the justices of the peace within the town of Foster; and in criminal cases shall have the power of two justices. The marshal shall hold his office for one year, or until his successor is elected and qualified. The trustees shall hold their office one year, or until their successors are elected and qualified; who, before entering upon the duties of their respective offices, shall take an oath before some legally authorized officer, that they will support the constitution, and faithfully, and without favor or affection to any one, discharge the duties of their office during their continuance in office.

Eligibility of
trustees, &c.]

§ 3. That no person shall hold the office of police judge, trustee, or marshal who is not, at the time of holding the election, a citizen of said town, and who has not resided therein at least three months previous to his or their election.

Name and
style, and cor-
porate powers.

§ 4. That said police judge and trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of the board of trustees of the town of Foster, and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered to, of defending and being defended, in all courts and places; and may use either a common or private seal; and do all other acts, matters, and things which a body politic and corporate, having perpetual succession, can lawfully and rightfully do within the limits of the powers herein granted.

May receive
conveyances.Have power
over streets and
alleys.May make by-
laws.May levy and
collect poll and
ad valorem tax.May make
wharves, &c.

§ 5. That the said board of trustees shall have power to make and receive all necessary conveyances in relation to said town. They shall have power over the streets, alleys, and sidewalks now in said town, or which may hereafter be opened; may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of the State. They shall have power to levy and collect a poll-tax, not exceeding annually one dollar and fifty cents on each tithable, and also an *ad valorem* tax on the property of the citizens of said town, both personal, real, and mixed, including everything now taxed for revenue by the laws of this State, not exceeding annually fifty cents on each one hundred dollars' worth of property. They shall have power to make wharves and landings on the Ohio river, upon their own land, within

1860.

the corporate limits of said town, and to make such other improvements for the benefit of said town as they may deem proper. They shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held in the town, or within one mile thereof; also taverns, tippling-houses, stud-horses, and jacks, in any sum not exceeding fifteen dollars. They shall have power to declare what are nuisances within said town, and by their order direct the same to be abated or removed, and may impose a fine on whomsoever may have caused the same. They shall have power to provide for the security of the town against fire by organizing one or more fire companies, defining their duties, and punishing, by adequate penalties, those who fail to perform the duties required of them; they shall have power to regulate the markets, and appoint a market-master; they shall have power to appoint a wood and coal measurer, defining his duties and fixing his fees; they shall have power to purchase and receive conveyances for any quantity of ground, either within or without the limits of said town, not exceeding ten acres, for a cemetery, or to erect a poor or work-house thereon, and may ordain and declare the rules and regulations for the government of the same, and to appoint all necessary officers thereof, with such compensation as said trustees may direct; and they shall have power to erect or engage a watch-house, for the confinement of all persons violating the ordinances of said town, and for crimes and misdemeanors committed which can be punished by confinement in the county jail by the laws of the State.

May tax auctions, shows, &c.

May declare what are nuisances, & abate the same.

May provide for the security of the town from fire.

To regulate markets.
Wood and coal measurers.

May receive land for cemetery, &c.

§ 6. That it shall be the duty of said trustees annually, (after their election,) to appoint a clerk, treasurer, and collector, and such other officers as they may deem necessary, and take from them bond with approved security, payable to the board of trustees of the town of Foster, in such penalty as they may direct, conditioned for the faithful performance of their duties; and for a violation thereof, on the part of either of said officers, motions may be made on suits brought before any tribunal having jurisdiction, in the same manner and under the same rules and regulations that motions are made on suits brought against other officers for failure of duty; and the said trustees shall have power to remove either of them for failure to do their duty, and to appoint others in their places.

To appoint cl'k, treasurer, &c., and take bond from them.

§ 7. That it shall be the duty of the clerk to keep a record of the proceedings of said trustees, to draw all orders on the treasurer for the payment of money when ordered by said trustees, and to license for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of the tax, and do all other acts which the trustees may legally require of him.

Duty of clerk.

1860.

Duty of treas'r.

§ 8. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town, subject at all times to the order of the trustees, attested by the clerk, and to render an account to said trustees when by them required so to do.

Duty of collector.

§ 9. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer, and make out and return to the trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected and the names of the delinquents, and the amount from each; whereupon the said board of trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquent's property, either personal or real, or both, as may be sufficient to pay and satisfy the amount of the tax and cost that may be due, and in pursuance of which order the collector shall make the said levy; and after having advertised the said property for sale at three places in said town, for at least fifteen days, shall thereupon proceed to sell at some public place in said town, so much as may be necessary to pay the tax and cost due thereon to the highest and best bidder, to whom the said collector shall give a certificate of his purchase, upon his paying the amount bid; which certificate shall entitle the purchaser, his heirs or assigns, to demand from, and receive of, the board of trustees a deed of conveyance of the property described in said certificate, (warranting alone against themselves,) at any time after twelve months from the time of sale, unless the owner or owners thereof shall have redeemed the same by paying or tendering to the purchaser, and giving notice to the said trustees of the payment or tender of the amount of said purchase money and costs, with one hundred per cent. thereon, and the purchaser in all cases paying the expense of making the conveyance; and the trustees shall have a lien on all property in said town, both real and personal, for the tax; and the collector shall have the power to levy on and sell personal property for tax without an order from the trustees, prior to the time appointed for him to return his delinquent list: *Provided, however,* That non-residents of the county shall have two years to redeem in, under the same regulations above provided for others, with the addition of one hundred per cent. more, if not redeemed the first year: *And provided further,* That infants, *femes covert*, idiots, and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and cost, and fifty per cent. per annum from the time of sale.

§ 10. That it shall be lawful for said trustees to enter up an order directing citizens of said town, or any portion thereof, to pave a foot-walk in front of their houses and lots, of such width and kind as they may direct; a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees, upon the failure of any citizen of said town, or owner of property in said town, for three months after service of said order, to pave said foot-walk, to have the same done; and the property in front of which said foot-walk is made shall be responsible for the expense, and may be sold in like manner as is provided in section six for sale of property for tax.

1860.

May have foot-walks paved.

§ 11. That immediately after the election of the police judge, the clerk of the trustees shall make out and certify to the Governor of the State the name of the person who has received the highest number of votes for police judge, which shall be sworn to before a judge or justice of the peace, and certified by him; whereupon the Governor shall cause a commission to be issued to him as police judge of the town of Foster for four years, and until his successor is duly qualified. The said police judge shall have jurisdiction over all offenses arising under the by-laws and ordinances of said town; and shall have power to issue warrants, enter judgments, award executions, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of said town of all causes, civil and criminal, in which justices of the peace have jurisdiction; and as a court of inquiry he shall have the jurisdiction of two justices. He shall have power to fine and imprison for contempt, not exceeding five dollars fine or ten days' imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him, where a jury would be required before a circuit court or a justice of the peace. He shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in the county of Bracken, within the limits of said town; and for the due performance and efficient exercise of the power herein and hereby vested in him, he shall have power to award process and issue writs as may be necessary to enforce the due administration of right, and for the lawful exercise of his jurisdiction, agreeable to usages and principles of law. It shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either shall have the right of appeal from all judgments rendered by said judge, in the same manner as appeals from justices of the peace in similar cases; and the said judge shall hold his court

Police judge—
his duties, &c.

1860. for the trial of civil causes quarterly, at such times as he may designate.

Marshal—his duties, powers, &c.

§ 12. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed, from the said police judge or justices of the peace, and make due return thereof; and he shall collect all executions and other demands which may be put into his hands to collect, and pay the same over to whoever may be entitled thereunto, under the same rules and regulations required by law of constables in the collection of executions and other demands. The marshal shall execute bond payable to the Commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

Fines, &c., to be paid over to treasurer.

§ 13. That all fines and forfeitures for the breach of any by-law or ordinance of the town, or for the violation of any penal law committed within the limits of said town, shall be paid over to the treasurer for the use and benefit of said town, any law to the contrary notwithstanding.

Fees of police judge.

§ 14. That the police judge shall be entitled to and collect the following fees, to-wit: for issuing a warrant in a civil case, twenty-five cents; for a peace warrant for a riot, rout, or breach of the peace, or unlawful assembly, fifty cents; for a warrant for a violation of a by-law or ordinance of said town when the trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over a trial in any case except forcible entry and detainer, fifty cents; for taking a recognizance to keep the peace, fifty cents, to be charged to the applicant; and for any other services the same fees as allowed to justices of the peace for similar services.

Fees of marshal

§ 15. That the fees of the marshal shall be the same as are allowed to constables.

Collector's fees.

§ 16. That the collector shall be entitled to the same fees as sheriffs for similar services.

Elections—how held.

§ 17. That previous to each annual election of trustees and marshal, the trustees shall appoint three suitable persons to hold said election; who, on the first Saturday in February, at 2 o'clock, P. M., open the poll for the election of the officers provided for in this charter, and keep the same open until five o'clock, P. M.; and shall return under oath to the clerk of said trustees a just and true list of all the votes cast, immediately after the close of the polls: *Provided*, That the first election under this charter shall be held at the store-house of S. J. Watters, in said town; and that said election shall be held by three commissioners herein named, to-wit: S. J. Watters, A. J. Markley, and S. P. Shaver, sr., who shall be sworn to hold said election in conformity to and with said charter. The election of police judge shall be conducted by three commissioners, appointed for that purpose by the trustees.

§ 18. That the citizens of said town, and the property thereof, shall be exempt from the operation of the road law.

§ 19. That all general laws applicable to towns, not inconsistent with this charter, shall be applicable to the town of Foster; and the trustees shall have power to pass any by-laws to enforce their provisions.

§ 20. That all the provisions of the former charter of the town of Foster conflicting with this are hereby repealed.

§ 21. That this charter shall go into effect from and after its passage.

§ 22. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.

Approved February 6, 1860.

1860.

Exempt from
operations of
road law.

CHAPTER 157.

AN ACT creating an additional voting precinct in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following described boundary be, and the same is hereby, created a justices' district and voting precinct, in Lewis county, viz: Beginning at a point on the White Pine hill, where the Lewis and Carter county road crosses the same; thence with the ridge to a point on the dividing ridge between Kinnicinnick and Dry Branch, where the Lewis and Carter road crosses the same; thence with said ridge to the dividing ridge between Salt Lick and Kinnicinnick; thence with the same to the dividing ridge between Kinnicinnick and the North Fork; thence with same to the Lewis and Fleming line; thence with the same to the dividing ridge between Briery and Tar Fork; thence with the same to the dividing ridge between Straight Prong and Briery; thence with the same to the dividing ridge between Straight Prong and Kinnicinnick; thence with same to a point on said ridge, opposite the beginning.

§ 2. It shall be the duty of the county court of Lewis county to appoint officers to hold an election for two justices of the peace and one constable for said district, at the time of the next general election; and said officers shall also conduct the election of officers who may be voted for at the said general election.

§ 3. The county court of Lewis county shall establish the voting place for the above precinct, upon a petition of a majority of the legal voters of the precinct.

§ 4. That the justices elected shall hold their offices respectively, until the next general election of justices and constables, and until their successors are duly qualified.

Approved February 6, 1860.

1860.

CHAPTER 158.

AN ACT for the benefit of the Assessors of Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the assessor of Fulton county, hereafter, be allowed until the second Monday in June, in each year, to return his book to the county court. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 159.

AN ACT for the benefit of George B. Poage, of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Geo. B. Poage. § 1. That the further time of two years be allowed George B. Poage, late clerk of the Lawrence circuit court, to issue his fee bills, for services rendered by him, as clerk of said court; and which, when so issued, shall have the same force and effect, and be so collectable, as if issued within the time prescribed by law: *Provided*, That before he exercise the power given by this act, he shall execute bond with good security, to be approved by the clerk of the Lawrence county court, conditioned for, and binding him to observe and comply with the laws now in force regulating the issuing of fee bills.

John Crawford & Jas. C. Currie § 2. The provisions of this act shall apply to John Crawford, late clerk of the Pulaski circuit court, and to Jas. C. Currie, late clerk of the Harrison circuit court, and to Thos. Hinds Slaughter, late clerk of the Nelson circuit court, and to R. R. Revill, late clerk of the Owen county court, and to Herman Bowmar, late clerk of the Woodford county court.

§ 3. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 160.

AN ACT for the benefit of the Clerk of the Oldham Circuit and County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Brent Hopkins, the clerk of the Oldham circuit and county courts, have two years, from and after the passage of this act, to make out and collect fees due him from the first day of January, 1852, as clerk of said courts: *Provided*, That he shall be liable, as now provided by law, for issuing an illegal fee bill.

Approved February 6, 1860.

CHAPTER 161.

1860.

AN ACT to legalize the marriage of J. T. and Nancy Michael, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the marriage of J. T. and Nancy Michael, citizens of Graves county, be held legal, and the offspring thereof be, and the same is hereby, legitimized.

§ 2. This act to take effect from its passage.

Approved February 6, 1860.

CHAPTER 162.

AN ACT for the benefit of John Cummings, Sheriff of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the treasury in favor of John Cummings, sheriff of Rockcastle county, for the sum of one hundred and twenty dollars (\$120), as compensation for himself and guard for conveying Thomas Jackson, a pauper lunatic, from Rockcastle county, to the western lunatic asylum at Hopkinsville, by order of the county court of said county.

§ 2. This act to be in force from its passage.

Approved February 6, 1860.

CHAPTER 163.

AN ACT to authorize the County Court of Union county to establish an additional voting precinct in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Union county court be, and he is hereby, authorized to create and establish an additional election precinct in the county of Union, so as to include the village of Petersburg, if, in his judgment, the public interests shall require the same; and upon his establishing the same, he shall enter the same upon the records of his court, together with the boundary thereof, and shall therein designate the place of voting.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1860.

1860.

CHAPTER 164.

AN ACT for the benefit of the Sheriff of Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Lyon county be, and is hereby, allowed the further time of three months to collect and pay to the Auditor of the State the revenue of said county for the year 1859: *Provided*, The said sheriff shall file with the Auditor of Public Accounts the written consent of the securities of said sheriff to this indulgence on or before the 15th day of March next.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 165.

AN ACT to legalize the election of Police Judge and Marshal of the town of Munfordville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the election of B. L. Kerr, as police judge, and John H. King, as marshal, for the town of Munfordville, is hereby legalized: *Provided, however*, That said marshal shall appear in the county court for Hart county, at its first term after the passage of this act, and execute bond as required by law.

Approved February 6, 1860.

CHAPTER 166.

AN ACT to establish a State road from Caseyville, in Union county, to Providence, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the public road leading from the town of Caseyville, in the county of Union, to Providence, in the county of Hopkins, be, and the same is hereby, declared to be a State road; and that the county courts of Union and Hopkins county shall have no power or authority to change or alter the location thereof, but at all times shall cause the same to be kept open and in good repair.

§ 2. This act shall be in force from and after its passage.

Approved February 6, 1860.

CHAPTER 167.

1860.

AN ACT to authorize the Trustees of Campbellsville to sell the Public Spring-Lot, of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the trustees of the town of Campbellsville be, and they are hereby, authorized to sell, for the use and benefit of said town, the lot which the public spring was formerly upon, adjoining the main cross street, Buckhorn creek, and James Blandford's lot; said lot to be sold upon such terms as said trustees may deem expedient.

Approved February 6, 1860.

CHAPTER 168.

AN ACT for the benefit of A. C. Godsey, late Sheriff of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Austin C. Godsey, late sheriff of Perry county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect the revenue, county levy, and fee bills due him as former sheriff of said county; and that he may place them for collection in the hands of any officer authorized by law to collect the same; and that they shall retain their destrainable qualities for two years from and after the passage of this act: *Provided, however,* That said Godsey shall be liable to all the penalties now prescribed by law for collecting illegal taxes and fee bills.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1860.

CHAPTER 169.

AN ACT to amend the charter of Bardstown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Bardstown," and acts amendatory thereof, be, and the same are hereby, so amended as to permit all qualified voters, of the county of Nelson, owning property within said town, to vote for all officers elected by the voters of said town.

§ 2. This act shall be in force from and after its passage.

Approved February 6, 1860.

1860

CHAPTER 170.

AN ACT for the benefit of John Petty, guardian for Andrew J. Akers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the proceedings of the Hardin county court, appointing John Petty guardian for Andrew J. Akers, a bastard child of Mary E. Akers, is hereby declared legal, and the county court of said county is hereby vested with full power and authority to settle the accounts with said Petty, guardian aforesaid, charging him with all sums received by him, and giving him credit, upon presentation of proper vouchers, for all sums expended for the benefit of said child.

Approved February 6, 1860.

CHAPTER 171.

AN ACT for the benefit of the town of South Carrollton

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Limestone alley, as known in the plan of the town of South Carrollton, Muhlenburg county, be, and the same is hereby, so changed that the same shall turn at right angles with Main street, at the upper corner of John Kittinger's acre lot, on Main street; thence along said Kittinger line until it intersects with Carroll street; and the said Limestone alley, as constituted by this act, to occupy the ground of John Frentress, and to be of the same breadth as the present Limestone alley, as known in plan of said town.

§ 2. That the part of Limestone alley, as known in plan of said town, between Main and Carroll streets, together with that end of Main street extending from Limestone alley, as constituted by this act, to Limestone alley, as known in plan of said town; and also that part of Walnut alley, between Main street and the river, be, and the same is hereby, made to revert to John Frentress, the original owner, as his property.

Approved February 6, 1860.

CHAPTER 173.

1860.

AN ACT to incorporate the Richmond and Tate's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created under the name and style of the Richmond and Tate's Creek Turnpike Road Company, for the purpose of making a gravel or macadamized road from Richmond, in Madison county, to the mouth of Tate's creek, by the way of the south or town fork thereof.

Name & style of company.

§ 2. The capital stock of said company shall be twenty thousand dollars, which shall be placed under the board of managers hereinafter named, and their successors in office, for the purposes contemplated by this act.

Capital stock.

§ 3. The following named persons are hereby made a board of managers to contract for, and superintend the building of said road, and to locate the route thereof, to-wit: Wm. Quincy Davis, president; Alfred C. Turner, treasurer; George P. Deatherage, Townsend Million, Jas. W. Kanatzer, Newland Jones, Gen. Bartleson Taylor, Squire Million, directors; they, and their successors, are hereby made a body corporate, and are vested with full power to carry out the objects of this act.

Board of managers.

Body corporate

§ 4. That when this charter shall have received the sanction of the Legislature, the aforesaid board of managers shall proceed to locate, build, and manage said road; having first taken an oath before the county court clerk of Madison county to perform the duties of their offices faithfully, and to locate said road without favor or affection, and to the best of their judgment. If any of the aforesaid board die, resign, or refuse to act, or if in any other way a vacancy shall occur, it shall be filled by the remainder of the board. The president and directors shall have the power to appoint a secretary, and such other officers and agents as they may deem necessary, who shall hold their offices at the discretion of the president and directors, who may appoint others in their places. Before the treasurer enters upon the duties of his office, he shall execute bond with two or more securities, to be approved by the said president and directors, payable to the said company, conditioned that he will faithfully discharge the duties of his office, and account for and pay over to the board of managers of said company, or to their order, all moneys that may come to his hands as such; he may be required by the president and directors to attend all the meetings of the board of managers, and may also, in addition to his specific duties as treasurer, be required to do those duties that properly belong to the office of secretary, to meetings of any kind, and such other duties as may be thought fit and

Managers to locate & build road.

Vacancy—how filled.

Officers may be appointed.

Treasurer to give bond—his duties, &c.

1860.

proper for him to discharge; he shall have no vote in any matter that may come before the board; nor shall the president, only in the case of a tie between the directors, then he shall give the casting vote.

Name and
style, and cor-
porate powers.

§ 5. To better enable the board of managers to carry out the objects of this charter, it is hereby declared a body corporate and politic, in deed and in law, by the name and style aforesaid, and shall have perpetual succession, and all the privileges and immunities and franchises of a body corporate and politic, and shall be capable of taking and holding the capital stock of said company, the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, to carry out the intent and meaning of this act; and of purchasing and holding, to them and their successors in office, and assigns, and also of selling, transferring, and conveying, in fee-simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to the prosecution of their work; of suing and being sued, of pleading and being impleaded, in all courts of law and equity, and in all places whatever; also to have and use a common seal, and the same to alter and renew at pleasure; and to make all such by-laws, not inconsistent with the constitution and laws of this State and the United States, as may be necessary for the government of the affairs of said board, and do all and every other act and thing which a turnpike corporation may lawfully do.

How land may
be acquired to
build road.

§ 6. That in case this corporation shall not be able to acquire the title to any lands over which they desire to run said road, by contract or voluntary cession, it shall be lawful for the corporation to appropriate the same to their use, for the purposes contemplated by this charter, upon their complying with the provisions of the following section of this act; and they, upon the same terms and conditions, have power to condemn any stone, wood, gravel, or other material that may be necessary to construct said road.

§ 7. The board of managers shall present a petition to the judge of the circuit court of the county in which the land, stone, gravel, or other material shall lie, setting forth the lands and materials wanted for the construction of said road, or its appendages, and the names of the owners thereof, if known, distinguishing the parcels claimed by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of said lands, stone, timber, gravel, and other materials, will sustain severally by reason of the appropriation aforesaid to the use of the corporation; and on the presentation of such petition, said judge shall appoint the most early day

1860.

possible for the hearing of the parties interested, and shall direct reasonable notice to be given of the time and place of hearing; and if it shall appear that any of the owners of such property are unknown, infants, insane, or *femes covert*, it shall be the duty of the judge to appoint some discreet person to represent them; and the judge shall award him reasonable compensation for his services, to be paid out of the damages assessed against the corporation, if any, and if not, then out of the estate of the party so represented. At the time of the hearing the judge shall appoint three disinterested freeholders, residents of said county in which the land and materials are situated, to assess the damages, and, in the order of their appointment, shall direct what lands or property are to be appropriated by the corporation. Said appraisers, after being first sworn by any person legally empowered to administer oaths, shall proceed to assess the damages, and, in the assessment of the damages, they shall, in all instances, give the party, whose property is to be used, full value for the property taken, advantages and disadvantages being considered; but in estimating the incidental damages to the adjoining lands, they may offset against them the advantages that will accrue to said persons from making the road; and said appraisers shall report, in writing, under their hands, to the said judge, within ten days from the receipt of their commission, their assessment of damages, together with the order of their appointment; and they shall designate what property they have valued. In case the appraisers do not agree, the judge shall appoint others; and on the judgment or tender of the damages, the corporation shall be entitled to the land or property so valued and condemned; and immediately on the return of the assessment to the circuit judge, the owner of the land or materials may demand and have a jury, or the assessment shall be binding.

§ 8. Should the owner or occupier of the land or materials demand a jury, as allowed in the preceding section, then it shall be summoned and attended by the sheriff of Madison county; and, besides challenges for interest or kinship, each party may challenge three jurors without cause. The jurors shall be sworn by the sheriff truly and impartially to ascertain, by their inquest, the amount of compensation, or damages, each owner will be entitled to receive from the company, taking into view the advantages as well as disadvantages to the owner; and their inquest shall be signed by each juror, handed to the sheriff, and returned by him within three days to the clerk of the circuit court, who shall immediately make an order, stating the fact of the inquest and the amount of damages, if any, and shall furnish a copy to the president of the board,

Jury may be
summoned to
assess damages.

1860.

and also one to the aforesaid owner, on his demand, whose land or materials have been condemned. The receipt of the copy of the aforesaid order shall entitle the board of managers to the use and occupation of the land and materials, &c.

If jury cannot agree, to be discharged & another summoned.

§ 9. If the jury cannot agree, the sheriff may discharge it, and summon another jury or juries; and if from that, or any other cause, the inquest cannot be completed on the day appointed by him, he may adjourn it from time to time until it is completed, without further notice than his proclamation at the time.

Right of way for hauling timber, &c.

§ 10. When the right of way is necessary for hauling any material condemned for the use of the road, the inquest shall state that the same is allowed, and the same estimated in the damage given, if the land over which the right of way passes belongs to the owner of the material; and if to another, then there shall be a separate assessment therefor, in favor of such other. The inquest must designate briefly, by general description, the route or routes by which the right of way shall be used. The board of managers shall make every endeavor to obtain the land and materials for the said road by gift or grant, before resorting to legal proceedings as aforesaid.

No damages to be allowed where turnpike passes over old road.

§ 11. That in any case where the owner, whose land is to be condemned under the seventh section of this act, owns land over which a public road now runs, and, for all the public uses of which this contemplated turnpike road is to be the substitute, then the jury shall take this fact into consideration, and for equal quantities of land of the old road, and the land for the turnpike, shall make an offset, giving no damages to the said owner; unless the land to be covered by the turnpike shall exceed in value an equal amount of the old road; then they shall assess the difference in value as damages to the owner.

Penalty for hindering use of right acquired.

§ 12. Any person who shall hinder or attempt to prevent the use of any right derived from the condemnation herein allowed, shall pay the corporation double damages and costs; and any person who threatens so to hinder by violence, may be brought before any justice of the peace, or the circuit court judge, or the county judge of Madison county, and required to give bail in the penalty of one thousand dollars, with good surety, to keep the peace and be of good behavior for the next six months. Any proceeding under this section shall be by warrant in the name of the Commonwealth, as now provided by law.

Width of road.

§ 13. The board of managers may fix the grade and width of their road—the grade to be not less than thirty nor more than forty feet; and the part covered with stone or gravel shall be not less than twenty feet wide, and eleven inches deep in the center, and eight inches deep on

the edges; and the elevation of the road, when graded, shall not exceed three degrees.

§ 14. In any case where the circuit judge of the county in which the land lies is interested, or is a party, then the application for the appointment, and the proceedings named in the seventh section of this act, may be had before a special judge, selected by the parties, or elected for the occasion, in the manner as now provided by law.

Application to be made before special judge when judge is interested.

§ 15. That as soon as the board of managers and the company shall have perfected any distance of their road, not less than five miles, and so, from time to time, any distance, not less than five miles, progressively from the same, towards either Richmond or the mouth of the aforesaid creek, they shall give notice thereof to the county judge, who shall thereupon forthwith nominate and appoint three judicious and disinterested persons to view and examine the same, and report to him, under oath, in writing, signed by each one of them, whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the said judge, by license under his hand, and the county seal, shall permit and suffer the board of managers of the said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling with horses, cattle of every kind, and carriages and vehicles of every grade and description: *Provided always*, That no gate shall be erected, nor toll demanded from any person or persons traveling said road, until after the license aforesaid shall have been granted, under a penalty of ten dollars, to be recovered as debts of the same amount are recoverable, for every such offense; which said penalty, when recovered, shall be paid over to the county clerk of Madison, to be disposed of as other fines are now by law; nor shall any gate be erected within a less distance than two thirds of a mile from the town of Richmond.

When gate may be erected, and toll collected.

§ 16. That when the said gate or gates shall be erected as aforesaid, it shall and may be lawful for the board of managers to appoint as many toll-gatherers as they may deem requisite, and to collect and receive of and from all and every person or persons using said road, at each toll-gate, for each and every five miles they may use or travel on, the tolls and rates allowed under this charter; and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burden, from passing through said gate or turnpike until they shall have paid toll, agreeably to the rates herein

Toll-gatherers to be appointed, and their powers and duties.

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allowed. Any toll-gate keeper on this road may require any person wishing to pass any gate, to truly state, on oath to be administered by him, the distance traveled or intended to be traveled on the road, and the number contained in any drove of stock, with whatever else may be necessary to ascertain the true amount of toll that should be paid. Any person refusing to give such information under oath when required, shall be fined ten dollars and costs, to be recovered by warrant before any justice of the peace, and paid to the treasurer of this company for the benefit of the same.

Penalty for de-
frauding road.

§ 17. That if any person or persons driving, riding, or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading, or owning any horse or mule, or driving any hogs, sheep, or cattle, as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass through any private gate or bars or fence, or along or over any passage way, or along or over any ground near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle of draught or burden from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall, for every such offense, respectively forfeit and pay to the board of managers and company the sum of five dollars, to be sued for and recovered, with costs of suit, before any justice of the peace of Madison county, in like manner, and subject to the same rules and regulations, as debts of equal amount are or may be by law recoverable.

Penalty for de-
manding more
toll than allow-
ed by this act.

§ 18. That if any toll-gatherer on the said road shall demand from any person or persons using the said road any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of ten dollars for every such offense, to go to the use of the person aggrieved and suing for the same, to be recovered before any justice of the peace in manner aforesaid.

All suits for
violation of act
to be commeno-
ed within six
months.

§ 19. That no suit or action shall be brought or prosecuted for any penalties incurred by this act, whether by or against the company, unless such suit or action shall be commenced within six months next after the fact committed, unless the party, of their own act, prevent it being sooner brought; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

§ 20. The gate-keepers shall hold their offices at the discretion of the board of managers, who shall take bonds, with good security, from the said gate-keepers and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the board of managers as aforesaid.

§ 21. That if said road at any time, for the space of ten days, be so far impaired as to greatly impede the progress of those using it, and render the same dangerous, it shall be lawful for any person to report the fact, under oath, to the county judge, who shall immediately appoint two judicious and disinterested persons, who, after having been sworn to discharge their duties impartially, shall go and inspect said road; and after satisfactory examination, and receiving full proof that it had been impaired as aforesaid for the space of ten days, the said persons, by their order delivered to the president and also the nearest gate-keeper, shall direct that no toll or duty shall be received at the gate or gates over each part of said road so found to be impaired, until so much of the road shall be repaired and put in good order. . And upon the said road being repaired, the board of managers shall call on any two justices of the peace, who shall examine the road; and if they shall be of opinion that the said road is in proper repair, they shall certify to that effect under their hands, and direct that the usual toll may be demanded and taken at the gate or gates which had been thrown open, agreeably to the provisions of this act. All the costs of the aforesaid inquest shall be paid by the board of managers and company. Before any person shall make the report to the county judge mentioned in this section, he shall notify the president or any one of the directors of his intention to report the road to the county judge as aforesaid; and unless the board shall, within two days, take steps to have the necessary repair made, then such person may immediately report, as herein provided. If any gate-keeper, after having received the aforesaid order that the gate must be thrown open, shall demand or take any toll until the road is repaired as aforesaid, he shall forfeit and pay five dollars to the company, and five dollars to the person aggrieved thereby.

§ 22. That the said board of managers and company may receive voluntary cessions, or may contract for, or purchase, and hold to them and their successors forever, any quantity of land which they may deem necessary for the erection of necessary buildings at the site of each toll-gate erected upon said road, agreeably to the provisions of this act; and if they cannot get such land by voluntary cession, nor contract for and purchase it at the respective gates, from the owner or owners thereof, then they are authorized

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Gate-keepers
to give bond.

Proceedings
when road is
out of order, &
no toll to be
collected until
same repaired.

May condemn
land for toll-
gates, &c.

1860.

to possess themselves thereof, by complying with provisions of the seventh section of this act, and proceeding as directed for the location of the road: *Provided, however,* That in the selection and appropriation of land under this section, the said board of managers and company shall not include the dwelling-house, out-houses, or gardens, of any person or persons, without their consent; and shall not locate the said land so as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate to which they have had access, if such location had not been made.

Rates of toll.

§ 23. The board of managers and the company may establish and collect the same rates of toll at the various toll-gates, on the aforesaid road, as the Richmond and Lexington turnpike company may lawfully do; or such rates of toll as is customary on the various turnpikes in this State. The board of managers shall cause printed lists of the rates of toll to be affixed on or near the gates across said road.

Mile posts, &c.,
to be erected.

§ 24. That the said board of managers and company shall cause posts to be erected at the intersection of every road falling in and leading out of the said turnpike road, with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town or place to which such road leads, and the distance thereof, in measured or computed miles; and shall also cause mile-markers, made of stone, wood, or iron, to be placed on the side of said turnpike, to designate the distance to and from the principal places thereon.

Penalty for
injuring mile
posts, &c.

§ 25. That if any person or persons shall willfully break, deface, or pull down, up, or prostrate any mile-marker, or mile-post, which shall be placed in pursuance of this act on the side of said road, or shall obliterate the letters or figures inscribed thereon, or shall willfully break, pull down, or injure any direction-post which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index hand affixed thereto, in conformity to the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface, or obliterate the letters, or figures, or other characters marked at every turnpike or gate, which shall be erected in pursuance of this act; for all or any of the purposes herein mentioned, or the whole or any part of any printed list of the rates of toll which shall be affixed in pursuance of this act at such gate or turnpike, he or they so offending in the premises, shall, and each of them shall, for every such offense, severally and respectively forfeit and pay to the said president and directors and company the sum of twenty dollars, to be sued for and recov-

ered, with costs of suit, before any justice of the peace of Madison county, in manner aforesaid.

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§ 26. That all wagoners, carters, and drivers of buggies and carriages of all kinds whatever, of burden or pleasure, using said road, shall, except when overtaking and passing by a carriage or wagon of any kind of slower draught, keep their carriages, wagons, &c., and horses, on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any carter, wagoner, or driver of any kind of a vehicle, shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs of suit, in manner aforesaid.

Vehicles meeting each other to turn to the right.

§ 27. The president of the board shall have power to call meetings of the directors at such times and places as he may think proper; a majority of the board shall be necessary for the transaction of business; they shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and they shall be signed by the president; and in case of the death or absence of the president, the members of the board present shall elect a president *pro tempore*, and they may adjourn from time to time as they may think proper. The board of managers shall have power to call special meetings of the stockholders when they may deem it necessary.

President may call meeting of the board.

To keep record of proceedings.

§ 28. That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold, having one vote for every share. The stockholders may vote in person or by proxy in writing; and no person who is not a stockholder shall be eligible as president, as a director, or treasurer of the board of managers of the aforesaid company. There shall be an annual election for a board of managers, consisting of a president, treasurer, and six directors, held at such time and place as the president and directors in office may direct, at which time the president shall lay before the stockholders an expose of the situation of said company; also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and to pass all by-laws necessary for the regulation of their proceedings and interests. A failure to make an election according to such by-laws as the company may adopt, or the provisions of this act, at the time and place provided for, shall not prevent an election thereafter of the officers aforesaid, by a majority of stockholders in amount of shares; and in all

Stock—how voted.

When annual election of directors held.

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cases of election by the stockholders, a majority of the stock shall be represented.

Term of office.

§ 29. That the president, treasurer, and directors, named in the preceding second section, shall hold their offices one year from and after the passage of this act, and until their successors are elected and qualified, by taking an oath before the county court clerk to discharge their duties faithfully and impartially. They shall deliver a certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each shareholder, for the stock by him held and subscribed; which certificates shall be transferrable on the books of the corporation kept for that purpose, in which shall be registered the names of the shareholders, with the number of their respective shares. Any transfer can be made in person or by attorney: *Provided*, That no transfer shall be made until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Certificate of stock to be delivered.

How calls on stock made.

§ 30. That the president of said company, by order of the directors, shall give notice in the Mountain Democrat and in the Kentucky Messenger, printed in Richmond, for at least twenty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock for the space of twenty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the installment so called for, pay at the rate of five per cent. per month for every delay of such payment; and if any such stockholder shall fail to pay the amount of such call and the penalty aforesaid, for the space of four months after the time such payment is required, said stockholder shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the directors, after having given ten days' notice in the aforesaid paper or papers, may proceed to sell such forfeited shares: *Provided*, They will bring the amount due and unpaid upon said share or shares: *And provided also*, That no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable as aforesaid on the share or shares by him held shall have been paid, agreeable to the requisitions of the president and directors of said company.

Account of receipts & expenditures to be kept.

§ 31. That the president and directors shall keep a fair account of all the receipts and expenditures of the company, which shall, at all times, be open to the inspection of

any stockholder, and be laid before the shareholders at their general meetings. The said president and directors shall also keep fair and just accounts of all moneys which shall be received by them from the subscribers for stock of the said company, on account of their several subscriptions, and of all penalties for the delay in the payment of calls and installments, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also of all moneys expended by them in the prosecution of their work; and once at least in every year submit such accounts to a general meeting of the stockholders, until said road shall be completed, and until all the costs, charges, and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if, upon such liquidation, or whenever the whole capital stock of the company, as herein named and provided for, shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the road according to the true intent and meaning of this act, it shall be lawful for the said president and directors and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to open books for subscription for such additional shares, or sell them for the benefit of the company, as they may think proper, and to demand and receive the money subscribed or sold for such shares, in like manner, and under the like penalties, as herein provided for the original subscriptions, or as shall be provided by their by-laws.

§ 32. That the said president and directors shall also keep a just and true account of all and every the moneys to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, which shall not exceed one for every five miles, after the road is completed, from the beginning to the end thereof; and if the gates are more or less than five miles apart, the toll may be increased or decreased, as the case may be, in the same proportion, and according to the rates herein named; and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs and progressive improvements and accomplishing of the work being first deducted and reserved; and shall, on the first Monday in May and November, in every year, unless otherwise ordered by the by-laws of the company, publish the half-yearly dividends to be made of clear profits among

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To keep acc't
of moneys re-
ceived on stock
subscribed.

To keep acc't
money receiv'd
from toll-gath-
ers.

Dividends may
be declared.

1860.

the stockholders, *pro rata*, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividend shall be paid over to such of the stockholders as may have failed to pay over, in pursuance to the order of said president and directors, the amount of stock which they may have subscribed on the books of said company; the same shall be retained by the treasurer of said company, subject to the order of the president and directors thereof, to be employed toward the completion or repair of said road.

Penalty for in-
juring parapet
walls, culverts,
&c.

§ 33. That if any person shall purposely and maliciously break, deface, or injure any of the parapet walls, culverts, or bridges, or any of the masonry of and belonging to this road, every person so offending shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars and costs, or be imprisoned in the county jail not exceeding twenty days, or both so fined and imprisoned, at the discretion of the jury and court; the fine to be paid over to the treasurer of the company, to be added to the common fund for the purposes of this act.

Penalty for
obstruct'g side
drains, &c.

§ 34. That if any person shall purposely fill, choke, or otherwise obstruct any of the side drains, valleys, gutters, or culverts of said road, or shall connect any private or cart, or any carriage way with the aforesaid road, without connecting the same over a stone culvert or a paved valley, or other good and sufficient fixture, so as to secure a fair passage for the water along such sideway, where such private road or cart or carriage way connects with the aforesaid road; or if any person shall purposely or willfully travel upon such parts of said road as may be unfinished, against the warning and consent of the president or any director, or any superintendent of said road, or any agent of the president or superintendents, or shall remove any of the beacons placed upon said road, so in an unfinished state as aforesaid, for diverting the traveler on or from said road, every person so offending shall, upon conviction thereof, be, for every such offense, fined in a sum not less than five nor more than fifteen dollars, to be recovered before any justice of the peace, and paid to the company.

Penalty for
standing wagon
on road over
night.

§ 35. That if any person shall stand his wagon and team, or either of them, over night, upon the pavement of said road, or shall at any other time stand the said wagon and team, or either of them, upon the pavement of said road, for the purpose of feeding, or if he shall, in any other manner, purposely and willfully obstruct the traveler upon said road, every person so offending shall, upon conviction thereof, for every such offense be fined in sum not less than three nor more than eight dollars, to be recovered and disposed of as in the preceding section.

§ 36. That the president and directors shall employ such surveyors, superintendents, engineers, artists, and chain-carriers as they may think necessary; and they are hereby authorized to enter in and upon the land and inclosures and public roads and highways in, through, and over which the said intended road may be thought proper to pass, and to examine and survey the ground most proper for the purpose, and to examine the quarries, beds of stone and gravel, and other materials necessary for the completion of said road; and they shall cause a plat or plats of said road located to be made out and lodged with the treasurer of the company, and by him to be preserved for the use of the board of managers. The president and directors shall fix the salaries and wages, and prescribe the time, manner, and proportions in which the stockholders shall make payments on their respective shares to carry on said work; they shall draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for the labor and materials furnished, and to do all such other matters and things as by this charter and the by-laws of the corporation they are or shall be required to do.

§ 37. That if any person shall belt or deaden timber, and leave it standing to rot or decay, within one hundred and fifty feet of said road, so that the lives of persons passing along the road shall be endangered thereby, such person so offending shall forfeit and pay to the company the sum of ten dollars, to be sued for and recovered as in other cases mentioned; and the owners of land along said road are hereby required to cause to be cut down all such dead timber as may be left standing within the distance of the road specified, under a penalty of one dollar for every dead tree thus suffered to stand, to be recovered as other penalties under this act are to be recovered, viz: by warrant before a justice of the peace where a justice would have jurisdiction of the amount.

§ 38. No person over whose lands said road runs shall be charged toll in going through a gate to get from one part of his farm to another.

§ 39. The president and directors shall have power to reduce the rates of toll as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates, and instead thereof may charge a reasonable annual toll or compensation for such persons or such families, who may then be allowed to pass whenever they may think proper. The treasurer shall keep an accurate account of all persons making these annual contracts, and inform the gate-keepers thereof, and furnish them with the names of those persons who may avail themselves of the advantages herein allowed.

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To employ
superintend'ts,
engineers, &c.;
their powers &
duties.

Salaries, &c.

Timber not to
be deadened
within 150 feet
of said road.

Owners of land
to have all dead
timber cut down
within said dis-
tance.

No person to be
charged in go-
ing from one
part of his land
to another.

Annual toll
may be charg'd

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Who not to
pay toll.

§ 40. No person shall be charged toll for passing to and from church on said road on the Sabbath day; and it shall be discretionary with the president and directors as to whether ministers of the gospel shall be charged toll at any time.

President, &c.,
to be allowed
salary.

§ 41. The directors shall annually allow the president, treasurer, and secretary a fair and reasonable compensation for all the services they may render to the company by the requirements of this act.

May throw
open gates for
free passage on
pub. occasions.

§ 42. The president and directors shall have power to throw open the toll-gates on their road for free passage on any public occasion, when the circumstances may indicate the propriety of so doing.

Complimentary
tickets may be
issued.

§ 43. The president shall have power to give a ticket of free passage to any person, as a compliment, when he shall deem it right and proper.

Advertisement,
&c., to be pub-
lished.

§ 44. Any notice, advertisement, or publication of any kind, required by this charter or the board of managers, shall be made in the Mountain Democrat and Kentucky Messenger, printed in Richmond, and other papers if necessary.

Approved February 6, 1860.

CHAPTER 174.

AN ACT for the benefit of McHenry Meadows, of Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum of ten dollars, in favor of McHenry Meadows, of Meade county, the amount over paid by him to the Breckinridge county court, in the years 1852 and 1853, for tavern and ten-pin alley license.

§ 2. This act shall be in force from and after its passage.

Approved February 6, 1860.

CHAPTER 175.

AN ACT conferring certain powers upon the Trustees of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the trustees of the town of Winchester be, and they are hereby, empowered to enact by-laws imposing fines for offenses committed within the grounds of the Winchester cemetery company, and cause the same to be

enforced in the same manner as their other by-laws, as fully as if said grounds were within the corporate limits of said town: *Provided, however,* That such by-laws shall not be inconsistent with the constitution and laws of this State or the by-laws or charter of said cemetery company.

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Approved February 6, 1860.

CHAPTER 176.

AN ACT for the benefit of A. S. Trimble, late Sheriff of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years, from and after the passage of this act, is hereby allowed A. S. Trimble, late sheriff of Morgan county, to collect his uncollected taxes and fee bills; subject, however, to the same pains and penalties as sheriffs are for collecting illegal fee bills, &c.

Approved February 8, 1860.

CHAPTER 177.

AN ACT to amend the 3d section of an act, entitled "An act to incorporate Montgomery Library Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of the act, entitled "An act to incorporate Montgomery Library Association," approved 2d February, 1858, be, and the same is hereby, so amended as to strike out the words, "divided into shares of twenty-five dollars," and insert in lieu thereof, "divided into such shares as the by-laws of the association may require."

§ 2. That the incorporators shall have power to organize and transact all the business of the association until the 1st day of January, 1861.

Approved February 8, 1860.

CHAPTER 178.

AN ACT to incorporate the Elizabethtown Literary Society, of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. Maxson, M. R. McCullough, R. S. Ford, F. Morfitt, and D. H. Hayden, and B. D. Strange, as trustees, and their successors in office, be, and they are hereby, created a body politic and corporate, by the name and style

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of the Elizabethtown Literary Society, of Hardin county; and by that title to have perpetual succession, with power to sue and be sued, plead and be impleaded, to contract and be contracted with, to acquire, hold, and convey property, both real, personal, and mixed, and to have and to use a common seal, which shall be recognized in courts of law or equity, or may act without it; and to perform all other acts which similar corporations may of right do.

§ 2. The Legislature reserving to itself the right to repeal or amend this act as it may see proper.

§ 3. This act to take effect from and after the date of its passage.

Approved February 8, 1860.

CHAPTER 179.

AN ACT to incorporate the Winchester and Muddy Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and
style.

§ 1. That a company is hereby formed and created a body politic and corporate, under the name and style of the "Winchester and Muddy Creek Turnpike Road Company," for the purpose of constructing a macadamized, plank, or gravel turnpike road from Winchester, in Clarke county, to the county line in the direction of the mouth of Muddy creek, in Madison county.

Capital stock.

Comm'rs to
open books.

§ 2. That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each. Subscriptions towards constituting stock in said company, shall be opened in the town of Winchester, at any time after the passage of this act, under the direction of Henry G. Poston, James T. Locklan, A. L. Haggard, David T. Haggard, A. H. Hampton, P. B. Hodgekin, and Thomas Gaines; and at Pinchem, under the direction of James Rutledge, Clabron Lyle, Jesse Hampton, David T. Haggard, and James Hodgekin. The subscribers shall, in books of the commissioners, enter into the following obligation, to-wit: We, whose names are hereunto subscribed, propose and bind ourselves to pay to the president, directors and company, of the Winchester and Muddy creek turnpike road company, the sum of fifty dollars for each share of stock set opposite our names, in such proportions and manner, and at such times as shall be determined upon by said board, and agreeably to an act of Assembly incorporating said company. Witness our hands this — day of —, 18—.

Obligation.

§ 3. So soon as eight thousand dollars is subscribed to the capital stock of said company, it shall be the duty of

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When meeting of stockholders to be called for election of officers.

Votes.

Term of office.

Created body politic and corporate, and corporate powers.

Clarke county court may take stock.

the commissioners to give notice in any newspaper printed in Winchester, or in such other manner as they may think proper, for a meeting of the stockholders for the purpose of electing a president and five directors and treasurer for said company; and each stockholder shall be entitled to one vote for every share of stock owned by him; and shareholders may vote in person or by proxy in writing. The said president and directors shall hold their offices for one year from the day of their election, and until their successors shall be duly elected and qualified.

§ 4. To enable the president and directors to carry out the objects of this charter, when organized as above provided for, it shall be, and is hereby, declared a body politic and corporate, in deed and in law, by the name and style of the "Winchester and Muddy Creek Turnpike Road Company," and under that name and style shall have perpetual succession, and all the privileges and franchises, and immunities of a body corporate and politic, and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, to carry out the intent of this act, and of purchasing and holding, to them and their successors in office and assigns, and also of selling, transferring, and conveying, in fee-simple, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to the prosecution of their work; of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law and equity, and in all places whatever; also to have and use a common seal, and the same to alter and renew at pleasure; and to make all such by-laws, not inconsistent with the constitution and laws of this State and of the United States, as may be necessary for the government of the affairs of said corporation, and do all and every other act and thing which a turnpike corporation may lawfully do.

§ 5. That the Clarke county court is hereby authorized and empowered to authorize its clerk to subscribe for as many shares of stock in said company as private individuals, partnerships, and corporations may subscribe; which subscription, when made, shall be binding on said county; and it shall be the duty of said county court, upon making said subscription, to levy the amount thereof upon the property within said county subject to the payment of State revenue, and the sheriff shall collect and pay over the same to the treasurer of said county within the same time, and under the same liabilities and penalties, prescribed for the collection and payment of the State revenue tax, and shall have the same power to enforce the collection thereof, and shall receive as compensation for his ser-

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vices four per cent. upon the amount collected and paid over; and the county court may distribute the sum subscribed in the assessment of taxes to pay it through two or more years.

Width of road.

§ 6. The president and directors may fix the width of their road not less than thirty feet in the whole, and the part covered with stone, gravel, or plank, not less than sixteen feet; and they shall keep a record of their proceedings, which shall, at all times, be open to the inspection of each and all the shareholders; may erect toll-gates for each five miles of road completed, and collect the same rates of toll as the Winchester and Boonesborough turnpike road company may lawfully do; and in acquiring the right of way, stone quarries, land for toll-gates, and in every other respect, shall have and possess all the rights, privileges, powers, and immunities of any other turnpike road company within this State.

May erect gates.

Right of way.

Subscriptions may be paid in work.

§ 7. That individual subscriptions to the stock of said company may be paid by subscribers in work and labor done upon said road, in such places, and times, and manner, and at such prices for said work and labor, as shall be agreed upon between such subscribers and the president and directors of said company.

§ 8. This act shall be in force from and after the passage thereof.

Approved February 8, 1860.

CHAPTER 180.

AN ACT to incorporate the Book and Tract Society of the Louisville Conference of the Methodist Episcopal Church, South.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' name.

Name and style, and corporate powers.

Board of managers, &c., to be elected.

§ 1. That C. B. Parsons, J. H. Owen, T. Bottomly, N. H. Lee, J. D. Onins, J. S. Lithgow, W. Kendrick, E. D. Hobbs, C. F. Harvey, and J. Harrison, their successors and associates, are created a body politic and corporate, by the name of "The Book and Tract Society of the Louisville Conference of the Methodist Episcopal Church, South," and by that name is capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as a natural person.

§ 2. That said society shall hold an annual meeting to elect a board of managers, of five ministers of the gospel and five lay members, all of whom shall be members of said church in good standing, and shall reside within the bounds of said conference, and shall hold their office for twelve months, and until the appointment or election of

their successors. The ceasing to be a member of said church, or removal from the bounds of the said conference, shall be a vacation of the office of manager; and the board of managers may supply any vacancy in the board of managers which may occur from any cause, until the next annual election of said board. The time and place of the annual meeting of the society shall be regulated and fixed by its constitution or by-laws.

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§ 3. That the business and operations of said company shall consist in establishing and perpetuating, in the city of Louisville, a depository for books and tracts, stationery, &c., for sale at wholesale and retail; and the capital stock of said company shall not exceed one hundred thousand dollars, which may be obtained by subscriptions or otherwise; and said company may lease or purchase, from time to time, suitable real estate within the city of Louisville, for the purposes and uses of their business, and its officers and agents.

Business of said company.

Capital stock.

§ 4. That said company may, from time to time, make and establish a constitution for its government and control, and alter, amend, or change the same; and the board of managers may pass and adopt, from time to time, any and all necessary or needed by-laws for the good government and efficient management of the company's affairs and prudential concerns, not contrary to the laws and constitution of this State or of the United States or this act.

May make by-laws.

§ 5. That the constitution and by-laws heretofore passed and established by said company and board of managers shall be the constitution and by-laws of said society, until changed, amended, or modified as herein provided; and the present board of managers and officers of said company shall retain their offices until the next annual meeting of the society after the passage of this act; and the acts of said board of managers shall be valid.

§ 6. The General Assembly reserve the power to amend or repeal this charter at any time.

§ 7. This act shall go into effect from its passage.

Approved February 9, 1860.

CHAPTER 181.

AN ACT to revive and amend an act, entitled "An act to incorporate the Breckinridge Coal Oil Company," approved March 4th, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Breckinridge Coal Oil Company," approved March 4th, 1856, be, and the same is hereby, revived and made operative as a charter franchise, creating a body corporate and

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politic, with the same force and effect as it would be if the corporators therein named had organized under the provisions of the said act, and the requisitions thereof had been fully complied with; subject, however, to the amendments hereinafter in this act set forth.

§ 2. That the title of said act be, and the same is hereby, so amended as to be entitled, the Breckinridge coal and oil company.

§ 3. That the first section of the said act be, and the same is hereby, so amended as to constitute Grosvenor S. Adams, Abel Bennett, jr., and John S. Lightfoot, the corporators under the act, in place of the parties in said first section named; also, that immediately after the words, "otherwise disposing of said," and before the word "manufactures," in said first section, the word "coal" be, and the same is hereby, inserted; also, that the third section of the said act be, and the same is hereby, so amended that the term or words, "real, personal, and mixed property," shall be so construed as to include railroads within its meaning.

§ 4. That section four of the said act be, and the same is hereby, so amended as to give the corporators in this act named, the power of legally organizing the company by meeting at Cloverport, as in said section four designated, and proceeding as in said section specified, within one year from the date of the passage of this act; also, that section five of the said act be, and the same is hereby, amended by striking out the words "four thousand shares," and inserting in place thereof the words "ten thousand shares;" also, that section six of the said act be, and the same is hereby, amended by striking out the words "three months," and inserting in place thereof the words "six months."

§ 5. This act shall take effect immediately after its passage.

Approved February 9, 1860.

CHAPTER 182.

AN ACT to amend an act to incorporate the Breckinridge Cannel Coal Company, approved February 9, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Breckinridge Cannel Coal Company, approved February 9th, 1854, be, and the same is hereby, so amended as to reduce the capital stock of the said company from four millions to one million of dollars, to be issued in ten thousand shares of one hundred dollars each.

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§ 2. That the directors of the said company shall distribute the shares to be issued on said reduced capital in a manner and in such just and equitable *pro rata* proportion as shall be agreed to and approved of by the shareholders owning not less than eight tenths of the stock of the said company, and may declare and pay dividends on the stock issued on the reduced capital of the company.

§ 3. This act shall take effect immediately after its passage.

Approved February 9, 1860.

CHAPTER 184.

AN ACT for the benefit of E. T. Fish, of Rockcastle county.

WHEREAS, It appears to this General Assembly that E. T. Fish, clerk of the Rockcastle circuit court, did, by order of said court, cause to be transported from the county of Rockcastle to Lancaster, in the county of Garrard, the counterfeiting apparatus of one N. Corvigna, who was there under indictment in the Rockcastle circuit court for counterfeiting, and who had obtained a change of venue to the Garrard circuit court, to be exhibited as evidence on the part of the Commonwealth; and whereas, the said circuit court of Rockcastle has failed to find authority of law for the adjustment of said claim for services rendered; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the treasury in favor of E. T. Fish, for the sum of twenty-five dollars (\$25) in full compensation for the above named services.

§ 2. This act to take effect from its passage.

Approved February 9, 1860.

CHAPTER 186.

AN ACT for the benefit of Andrew Wilson and Thomas Lewis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Andrew Wilson and Thomas Lewis for the sum of fifty dollars, for tax paid by them a second time in the year 1856, on license to stand their jackass "Moro Castle," to be paid out of any moneys in the treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1860.

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CHAPTER 187.

AN ACT for the benefit of Joseph Gray, of Cumberland county.

WHEREAS, Joseph Gray, by a judgment of the Cumberland circuit court, was fined the sum of ten dollars for a misdemeanor; and whereas, the said Gray paid the said sum to the trustee of the jury fund, who paid the same into the treasury of Kentucky; and whereas, afterwards said fine was remitted by the Governor of Kentucky: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and is hereby, authorized to draw his warrant on the treasury in favor of the said Joseph Gray, for the sum of ten dollars.

Approved February 9, 1860.

CHAPTER 192.

AN ACT to incorporate the towns of Cloverport and Lower Cloverport into the town of Cloverport.

WHEREAS, The citizens of the corporations of Cloverport and Lower Cloverport deem it highly important to their interest and welfare as a people that the said towns of Cloverport and Lower Cloverport should be incorporated under one town charter; and whereas, the town of Lower Cloverport greatly exceeds in population the town of Cloverport, it is hereby understood and agreed between the citizens of the respective corporations that the said town of Cloverport shall be allowed to retain certain rights and privileges, as hereinafter set forth under this charter, which it enjoys under its present charter, and that the said rights and privileges shall be embodied in and made a part hereof; first, that the corporation of Cloverport shall be allowed to retain, under this charter, all the wharfing privileges it is now possessed of, with the right to apply all the revenue from taxation within its present corporate limits to the improvement of that portion of the corporation known as Cloverport; also the right to retain the post-office and district election polls, and the seminary; and should, at any time, the citizens of the town hereby incorporated seek to amend this charter, in any manner affecting or interfering with the above-named rights and privileges, then the corporation heretofore known as Cloverport shall have the right and authority to resume the charter held by it previous to this act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the towns hereby incorporated shall be known as the town of Cloverport, and its corporate

¶To be called town of Cloverport.

boundary shall embrace within its limits all the territory included within the limits of the towns heretofore known as Cloverport and Lower Cloverport.

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§ 2. That hereafter the fiscal, municipal, and prudential concerns of said town shall be vested in five trustees, who shall be elected annually, on the first Monday in March, in the manner hereinafter prescribed, by the free white male citizens of said town, over the age of twenty-one years, who shall have resided in said town six months previous to said election. Said trustees shall hold their offices one year, and until their successors shall be elected and qualified; that they shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace faithfully to discharge the same during their continuance in office. No person shall be a trustee of said town who is not at the time of his election a real estate owner therein, and who has not resided in said town twelve months next preceding his election. They shall have power to fill any vacancy that may occur in their board. It shall be their duty, at their first meeting after their election, to appoint one of their own body to preside at their meetings, to be styled the president of the board of trustees, to whose management and control the executive affairs of said town shall be intrusted. A majority of the board shall constitute a quorum for the transaction of business, and in the absence of the president may elect a president for the time being: *Provided*, That the present trustees shall continue in office until their successors, herein provided to be elected shall be elected and qualified.

Fiscal concerns of said town vested in five trustees.

President of board to be appointed.

Quorum.

Term of office.

§ 3. That said trustees shall be a body politic and corporate, and shall be known by the name and style of the "board of trustees of Cloverport," and in that name may sue and be sued, contract and be contracted with in all courts and places, may use either a common or private seal, and do all other acts which a body politic and corporate, having perpetual succession, may lawfully and rightfully do.

Name and style, and corporate powers.

§ 4. That they shall have power to make and receive all necessary conveyances in relation to said town; they shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth; they shall have power to assess and collect annually an *ad valorem* tax of not exceeding twenty-five cents on each one hundred dollars of real and personal estate in said town, and a poll-tax of one dollar on each tithe; and upon refusal of any person so assessed to pay said revenue or poll-tax, upon the return by the town marshal hereinafter provided of any delinquent list, they may order sale of the real or personal estate of said person for

Powers of trustees, &c.

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the payment of his taxes, after a due advertisement of said sale has been made: *Provided*, That it shall be the duty of said trustees to keep the streets in good repair for transportation and travel; and for each failure to do so they shall, upon an indictment or presentment by the grand jury, be fined by the Breckinridge circuit court a sum not exceeding twenty-five dollars, to be collected of them by the sheriff and paid into the town treasury; they shall have power to declare by their by-laws what are nuisances in said town, and abate the same, and may impose fines and penalties upon whomsoever may cause them; they shall have power to provide for and erect a suitable market-house, and for that purpose may purchase ground and regulate the market, and appoint a market-master.

Have power
over streets and
alleys.

§ 5. That they shall have power over the streets, alleys, side-walks, and public squares in said town; and it is hereby made their duty, in all parts of said town where the same has not been done, to proceed without delay to open roads, streets, and alleys, for the convenience of the public, and wants of society may require it, and may do this by purchase from, or the consent of, owners of property, or by the application of the chairman of the board of trustees to the county court for a writ of *ad quod damnum* to open streets, roads, and alleys, or parts of the same; said writ to be issued upon the proper parties made, and like proceedings had, as provided by law for opening public highways; and upon payment of damages assessed, said streets, roads, and alleys to become public highways, and vest in said trustees by order of court, and be under their control and management: *Provided*, That no such street or alley shall in any case be opened through any burial ground or dwelling-house, nor shall they be opened through private grounds without the consent of the owner, unless the wants of society require it: *And provided further*, That the failure of said trustees for six months from the 1st of May next, to cause such streets belonging to said town, as are now contrary to law closed and obstructed, to be opened and such obstructions to be moved, shall subject them to a fine of not more than fifty dollars, to be imposed by the Breckinridge circuit court, upon presentment or indictment by the grand jury; such fine, when collected, to be paid into the town treasury.

May grade and
pave streets.

§ 6. That they shall, as the wants of society require and the means in the treasury allow, grade and pave or macadamize the streets in said town: *Provided*, That after any street shall have been paved or macadamized, they shall have power and authority to cause the side-walks of such streets to be graded and paved at the expense of the owners of lots fronting the same, if said owners shall refuse to do so themselves after reasonable notice is given;

and the cost and expenses so incurred by the trustees may be listed and collected as other town taxes are collected, and lien upon such lots shall be given to the trustees for the payment thereof: *Provided* That in all sales of lots for such purpose or for revenue tax by said trustees, the owners of the same shall have three years in which to redeem them, by paying the purchase money with twenty per cent. per annum thereon: *Provided further*, That infants, *femes covert*, and persons of unsound mind, shall have one year after such disability is removed to redeem the same.

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§ 7. That the trustees shall have power to pass by-laws for the suppression of tippling-houses, bawdy-houses, and houses of ill-fame, gambling-houses, and such other houses as are the common resort of idle and dissolute persons; to prohibit all retailers of spiritous liquors from retailing the same, and by providing and enforcing adequate penalties; to punish all riots, disorders, and breaches of the peace, and any indecent, licentious behavior.

May suppress
tippling-houses

§ 8. That they shall have power to provide for taxing all or any store, grocery, or retail establishment that may be commenced or opened at any time subsequent to the day fixed for the annual assessment; they shall have power to tax peddlers, auctioneers, in addition to the tax now imposed by law, not more than one fourth of one per cent., and require them to take out license, under such restrictions and penalties as may be necessary to enforce such tax, as well as the power to tax and license agencies of insurances, shows, exhibitions, theatrical performances, concerts, and all places of public amusement, where money is charged for admission to the same: *Provided*, That scientific and literary lectures shall be exempt.

May tax stores,
groceries, &c.

§ 9. That they shall have power to tax, and the exclusive right to license all taverns, houses of entertainment, coffee-houses, retailers, victualers, confectioners, and all houses of public resort in said town, such sums of money as they may provide: *Provided*, That the State tax upon tavern license, shall be paid over to the clerk of the Breckinridge county court, in the same amount that is now imposed by the Revised Statutes of Kentucky.

May tax taverns,
coffee-houses, &c.

§ 10. That the said trustees shall appoint a clerk, a treasurer, assessor of tax, being citizens of said town, whose term of office shall continue one year, unless removed by said board; and it shall be their duty to keep records of the proceedings properly belonging to their respective offices; to enter into such bonds, for the faithful performances of their duties, as said board may prescribe; and such pay may be allowed them for their services as may be fixed by said trustees.

To appoint
clerk and other
officers.

§ 11. A police judge and town marshal shall be elected annually, by the qualified voters of the town, and hold their

Police judge &
town marshal
to be elected.

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offices for one year, and until their successors are elected and qualified, the first Monday of March. The polls of the election of police judge and town marshal, shall be returned to the county court of Breckinridge county at its first term after the said election, and said county court shall certify the result of the election, so far as the police judge is concerned, to the Governor of Kentucky, whose duty it shall be to issue a commission for the person elected to the office of police judge, who shall be a judicial officer, and styled the "Police Judge," of the town of Cloverport.

Police judge to
take oath.

His duties, &c.

§ 12. The police judge, before he enters on the duties of said office, shall take an oath before some justice of the peace or judicial officer of Breckinridge county, to faithfully discharge the duties of said office to the best of his ability, without favor or affection, and without partiality to either party; together with such other oaths as other public officers are required to take by the law and constitution. The said police judge shall have jurisdiction within said town and the town district of all civil causes to the extent that justices of the peace now have or may hereafter have in this State; and shall have the same jurisdiction of crimes and misdemeanors committed within said town and town district as two justices of the peace now have; and shall have full jurisdiction within said town of all offenses committed against the by-laws and ordinances of said town; and shall have exclusive power to enter judgments and issue executions for all fines and penalties for such offenses; he shall have power to grant attachments and to try the same, for any amount not exceeding fifty dollars; he shall have power to grant attachments to any amount, and to the same extent that the clerk of the circuit court is now authorized by law to grant: *Provided*, That all attachments for sums over fifty dollars shall be returned by him to the Breckinridge circuit court; he shall have power to issue injunctions and writs of *ne exeat* to the same extent that the county judge now has. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence to the same extent and for the same purposes that copies of justices' records now are; he shall have power to issue subpoenas for witnesses, or other process to compel the attendance of witnesses before him, and to punish all contempts against his authority by fines not exceeding five dollars in each case; he shall have power to order the marshal or other officer to summon a jury in cases cognizable before him where a jury is required by law; he shall have power to take and certify depositions as justices of the peace and examiners now have, which shall be allowed to be read as depositions are now allowed to be read which are taken and certified by such justices or examiners; he

shall be allowed and entitled to the following fees, viz: for a peace warrant, fifty cents; warrant in case of riot, rout, or unlawful assembly or breach of the peace, fifty cents; for a warrant for a violation of by-laws or ordinances, where the trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over a trial, fifty cents; for a subpoena, fifteen cents each; for original judgments in civil cases, fifteen cents; and other fees shall be the same allowed justices for similar services; and he shall have power to collect in the same way that justices now collect their fees; he shall have jurisdiction of all cases of motions and suits against the treasurer, clerk, marshal, and other officers of said town, for all sums of money received and paid out by them, whenever required by any officer or citizen of said town to take cognizance thereof.

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Fees of police judge.

§ 13. Appeals from all judgments rendered by said police judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from justices of the peace in like cases.

Appeals may be taken.

§ 14. The marshal shall have the same powers, and perform the same duties, and be liable to the same penalties, that constables of this Commonwealth are now by law, or may hereafter be authorized to perform or be subject to; and said marshal, before he enters on the duties of his office, shall take an oath for the faithful performance of his duty in the county court of Breckinridge county; and shall execute and acknowledge bond, with good and sufficient surety, to be approved by said county court, in a penalty of not less than three thousand dollars, payable to the Commonwealth of Kentucky, with similar conditions of constables' bonds as are now required by law, and the same may be put in suit for a failure to perform the conditions of said bond by any person injured, in the same manner as suits are now authorized to be brought on a constables' bond; and said marshal shall also be subject to a motion against him and his surety, before the said police judge, for a failure to pay over money to the person or persons entitled to receive the same, under the rules and regulations and restrictions as motions are authorized to be made against defaulting constables. He shall collect all taxes of said town and other demands, in any part of said county of Breckinridge that may be put into his hands to collect, and account for and pay over the same to those entitled thereto, under the same rules required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands. Said marshal shall be entitled to such fees for collecting the town tax as said trustees may allow by their by-laws: *Provided*, That said police judge shall have power and

Marshal—his duties, powers, &c.

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authority to direct his process to be executed by any constable of said county; and said marshal shall have power to perform any official duties in said county that constables may now perform.

Fines, &c., to
be paid into
treasury.

§ 15. That all fines and forfeitures for a violation of the ordinances of said town, in all cases cognizable before the police judge, shall be collected and paid into the treasury for the use and benefit of said town.

May erect jail.

§ 16. The trustees of the said town shall have power to provide for and erect a suitable jail-house, and for that purpose may purchase ground, and appoint a jailer, whose fees for attending and keeping the same shall be fixed and regulated by the board of trustees of said town. That any person or persons who shall be convicted before the police judge of a violation of the ordinances of said town, in all cases cognizable before said judge, and against whom a fine is assessed, who shall refuse to pay such fine, may be confined in said jail, and be required to work out said fine, being allowed one dollar per day for every day he or they may be so confined until the whole fine so imposed is satisfied.

Who may be
confined in said
jail.

§ 17. That all contracts entered into by or with former trustees of Cloverport, shall be binding and obligatory on the trustees to be elected under this act.

Town clerk to
conduct elect'n.

§ 18. That the election of trustees, police judge, and town marshal shall be conducted by the town clerk and one or more of the trustees in office at the time of such election, or by such other persons as may be appointed by the board for that purpose, and shall be held at such place as may by the board be designated; and after the polls shall have been closed, it shall be the duty of the officers conducting the same to return the same to a board of examiners of three persons, to be selected by the trustees, who shall compare the same, and shall certify to the clerk of the board of trustees then in office the names of the five persons having received the highest number of votes for trustees, and said clerk shall record said certificate on their books; and said trustees so elected shall immediately thereafter qualify and enter upon the duties of office.

Approved February 11, 1860.

CHAPTER 194.

1860.

AN ACT to incorporate the Trustees of the Walnut Hill Male and Female High School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Benjamin Smith, Seneca Austin, R. Dodsworth, John Dye, J. C. Youtsey, Wiley Bates, Charles Murnan, Joseph Horner, Lewis Perin, and T. W. W. DeCoursey, of the county of Campbell, are hereby constituted and created a body politic and corporate, under the name and style of the "Trustees of the Walnut Hill Male and Female High School," and as such shall have perpetual succession.

§ 2. The said board of trustees may sue and be sued, plead and be impleaded, and do all other such acts and things as are incidental to corporations of like nature; may have, hold, and take real estate, either by lease or purchase, such as may be necessary for the establishment, support, and maintenance of said school; may erect upon the same such edifices and buildings as may be necessary for the accommodation and convenience of the teachers and pupils of the same, and may dispose of the same at pleasure.

§ 3. The said board of trustees shall have power to make all needful rules and regulations, as they deem best for the government of said school; to employ such teachers, and affix the compensation of the same; to regulate the number of pupils which may be admitted into said institution, and regulate the rates of tuition; to exercise a general supervision over said school, and grant such diplomas or certificates of scholarship to pupils, as their progress may authorize; which diplomas or certificates shall be signed by the president of said board, and countersigned by the secretary.

§ 4. The said board of trustees shall have power to appoint a president and secretary from among their number, each of whom shall hold his office for one year from the date of his appointment, or until his successor in office shall be appointed; they shall also have power to appoint a treasurer in like manner, and who shall hold his office under like terms with those of the president and secretary; when vacancies occur in said board by death, resignation, or refusal to act, the said board shall have power to fill vacancies; and a majority of said board shall constitute a quorum to do all business, except in the purchase of real estate, which shall require the joint action of all the members of said board.

§ 5. Whenever said board shall have located said school, either by the purchase or lease of suitable ground and buildings, it shall be unlawful for any person to vend or sell any spirituous or malt liquors, wine, ale, porter, or cider,

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within three fourths of a mile of said building or buildings; and all persons so offending may be liable to a fine not less than ten, nor more than twenty-five dollars, for each and every such offense, which sum may be imposed by any justice of the peace of the county of Campbell, upon information and proof; one half of said fine, when imposed, shall be awarded to the informer, and the other to the board of trustees, for the use of said school.

§ 6. This act shall take effect from and after its passage.

Approved February 11, 1860.

CHAPTER 195.

AN ACT to change and modify an act to incorporate the Danville Female Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the above recited act be, and the same is hereby, repealed.

§ 2. That there is hereby established and incorporated within the limits of the town of Danville, Boyle county, Kentucky, an institution under the name and style of the "Danville Female Academy," and that F. S. Fisher, Thos. Hutchinson, Anderson Rice, H. R. Young, James Heath, Allen Cook, J. U. Rochester, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of the "trustees of the Danville female academy," by which name they shall have perpetual succession and a common seal, with power to change the same at pleasure.

§ 3. That said trustees and their successors in office, shall have power to acquire and hold for the benefit of said institution, by donation, devise, or purchase, any lands, tenements, money, or other property, real, personal, or mixed, not exceeding the sum of fifty thousand dollars; to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of competent jurisdiction.

§ 4. The persons named as trustees in the first section of this act, may elect from their own body a president, treasurer, and secretary, who shall discharge the duties that may from time to time be required of them by said trustees; said trustees shall also have power to make all needful rules and regulations for the proper management of said institution and the regulation of the same, not inconsistent with the constitution and laws of this State or of the United States; they shall have power to employ any officers, agents, and teachers, fix salaries, regulate their payment, and to manage the affairs of said

institution agreeably to its charter and by-laws; to confer degrees of honor and merit, and diplomas of graduation in literature, science, and arts; they may prescribe whatever course of studies they may deem best; they may have full power to fill vacancies in their own body, and shall hold their offices until their successors in office are elected.

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§ 5. That the institution hereby incorporated shall be at all times under the control and management of the Baptists; and no person shall be eligible to the office of trustee unless he be a member of the Baptist church.

§ 6. This act shall take effect from its passage.

Approved February 11, 1860.

CHAPTER 196.

AN ACT for the benefit of School District No. 1, in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the first Saturday in May next, an election of all the qualified voters in school district No. 1, as now established, in Rockcastle county, shall be held by the different officers last appointed by the county court to hold elections in the voting precinct in which said school district is situated, and the vote shall be taken upon this question: "Shall any license be issued to any person to sell spirituous liquors in the boundary of this school district?" This question shall be distinctly put by the sheriff conducting the election to each voter, and those voting shall answer "yes" or "no," as they may desire; and the vote shall be recorded in separate columns, and returned to the county court of said county by the sheriff conducting the election. And if a majority of all the voters resident in said school district, who shall vote, vote against the further granting of any such license, the county court of said county shall not grant to any applicant a license to sell spirituous liquors within the boundary of said district.

§ 2. All the penalties now imposed by law against persons who vote at general elections improperly, and against officers conducting general elections, shall apply to that proposed to be held under this act.

§ 3. This act to take effect from its passage; and the Legislature reserves the right to alter, amend, or repeal this act.

Approved February 11, 1860.

1860.

CHAPTER 197.

AN ACT to incorporate the Alpha Kappa Phi Society, of Center College, Danville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of the "Alpha Kappa Phi" Society, organized at Center College, Danville, Kentucky, be, and they are hereby, created a body politic and corporate, by the name and style of the "Alpha Kappa Phi Society," with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all the courts of this Commonwealth.

§ 2. They shall have power to purchase, use, devise, and convey all such real and personal estate not exceeding ten thousand dollars, as may be necessary for their purposes and accommodation.

§ 3. They shall have power to make, use, and have a common seal and their peculiar devices, and the same to break or exchange at their will and pleasure.

§ 4. They shall have power to establish chapters of their order in whatever places in this Commonwealth they may wish, with powers and privileges suitable and necessary for their own internal regulation and discipline.

§ 5. They shall have power and authority to ordain and establish such rules and regulations for their government as they may deem proper and necessary, and are not inconsistent with the constitution and laws of the United States and of this Commonwealth, and the charters and laws of the literary institutions with which they may be connected.

§ 6. The power to change, alter, or repeal this act is hereby reserved to the General Assembly of the Commonwealth of Kentucky; and this act shall take effect from its passage.

Approved February 11, 1860.

CHAPTER 198.

AN ACT to establish an additional Justices' District in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Marshall county shall, at its April term, 1860, appoint three commissioners, whose duty it shall be to lay off an additional magistrates' district and voting precinct No. 7, around the town of Briensburg, in said county; said district to be composed of parts of districts Nos. 2, 3, and 6; said commissioners are also vested with authority to locate, at the most suitable place,

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as near the center of district No. 3 as may be, a voting precinct for said district, in lieu of the place now established by law, at which all elections hereafter to be had in said district No. 3, shall be held; said commissioners shall report a plan and accurate boundary of said district No. 7, and the location of the precinct and place of voting in district No. 3, to the Marshall county court, on or before the first Monday in May, 1860; whereupon said court shall order the same to be recorded, a copy of which shall be posted up at five of the most public places, in the vicinity affected by the changes thus made, on or before the first Monday in June, 1860.

§ 2. The voting place in said district No. 7 shall be at Briensburg, at which all legal voters residing in said district, shall be entitled to vote, and the county court of said county, shall hereafter appoint officers to open and hold elections at said place of voting, under the same rules and regulations as now prescribed by law.

§ 3. That the county court of said county is by this act authorized and required to appoint officers to open and hold an election in said district, on the first Monday in August next, at which election all the qualified voters in said district may vote for two justices of the peace and one constable, to continue in office until the next regular election for justices of the peace and constables, and until their successors are elected and qualified; the voters of said district shall vote also for such State and county officers as are voted for on that day.

§ 4. That immediately after the election of the officers authorized by this act, the Secretary of State shall furnish said justices of the peace with all the law books now allowed by law to such officers; and that said books be sent by the common carrier.

§ 5. This act to take effect from and after its passage.

Approved February 11, 1860.

CHAPTER 199.

AN ACT to incorporate Winchester College.

WHEREAS, A number of persons in and near Winchester, in Clarke county, Kentucky, have subscribed money for the purpose of buying land, and erecting thereon buildings suitable for a male and female college; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ben. B. Groom, H. G. Poston, Colonel John Clinkenbeard, L. B. Grigsby, Dr. Charles Chase, J. W. Harding, Dr. Thos. H. Robinson, and their successors, be,

Corporators' names & corporate powers.

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and they are hereby, constituted a body corporate, under the name and style of the "Winchester College," and by that name they shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure; to make contracts for the benefit of the institution; to sue and be sued, plead and be impleaded; to receive and hold such real and personal property as may be donated to the college or purchased for its use; to appoint the college faculty, and change the same as occasion may require; to confer all literary degrees conferred by similar institutions; and to make all such by-laws, rules, and regulations, not inconsistent with the constitution of the United States and the constitution and general laws of this State, as may be, or may become, necessary for the successful management of the college.

Capital stock.

§ 2. The capital stock of said college shall be fifty thousand dollars, which may be increased from time to time, as occasion may require, divided into shares of one hundred dollars each, and to be paid in upon the terms originally agreed upon by those who have already made subscriptions for the purpose of establishing said college; but the terms of payment may be altered with the consent of said subscribers: *And provided*, That the whole of the capital stock of said college is not hereby required to be sold or disposed of, but only such part thereof as may be necessary, in the opinion of the stockholders, to effect an efficient organization of said college.

Stock—how voted.

§ 3. Each stockholder shall be entitled to one vote for each share of stock subscribed, and such vote may be cast either in person or by proxy given in the usual way.

Books to be opened.

§ 4. Books for the subscription of additional stock under the control of said Ben. B. Groom, H. G. Poston, John Clinkenbeard, L. B. Grigsby, Chas. Chase, J. W. Harding, and Thos. H. Robinson, or some one or more of them, may be opened at such time and place, and kept open for such length of time, as they may determine on, and the stock so subscribed, together with that already subscribed, shall be entered in a book to be kept for that purpose by the secretary; and no stock shall be transferrable from one person to another except the transfer be entered on such book; nor shall such transfer be made unless the consent of those representing a majority of the stock of said college be expressed in open meeting of the board of managers, and such consent also entered upon said book.

Stock subscri'd to be entered in a book.

How stock to be transferred.

Managers, officers, &c.

§ 5. The board of managers of said college shall consist of seven persons; said board shall appoint a secretary and treasurer from their own body, all of whom shall hold their offices for one year, and until their successors are duly elected and qualified.

§ 6. The board of managers shall be chosen by the stockholders. The first election under this charter shall take place at any time after the passage of this act that may be determined on by the commissioners herein, notice having been given for ten days of said election, and on the first Saturday in March each year thereafter the regular election shall take place. The time and mode of induction into office shall be regulated by by-laws.

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When first election to be elected.

§ 7. All vacancies in the board shall be filled by appointment, until the next regular election.

Vacancies; how filled.

§ 8. All real estate purchased under this charter shall be vested in the board of managers and their successors in office, and shall be forever held for the purposes of education, and shall not be directed to any other use whatever, nor shall the same be subject to taxation.

Real estate vested in managers.

§ 9. The board of managers shall by by-laws regulate the times of meeting of the board, and the manner in which the same may be called together in any case of emergency.

Board of managers to regulate the time of meeting of b'd.

§ 10. A majority of the board of managers shall be necessary to constitute a quorum for the transaction of business; the proceedings, rules, by-laws, and all official acts of the board shall be regularly drawn out by the secretary, and kept in a book for that purpose. Before entering on the duties of his office, the treasurer of said board shall enter into bond for the faithful discharge of his duties as treasurer, which duties shall be to keep a faithful account of all moneys of the institution which may come to his hands, to state and exhibit the same semi-annually, and oftener if required, and to pay over the same upon the orders of the board, with good and sufficient security, to be approved by the president of the board of managers.

Quorum.

Record to be kept.

Treasurer to give bond.

§ 11. All diplomas, literary, or graduating degrees shall be awarded by the president and board of managers, with the advice of the faculty; and the same shall be signed by the president and a majority of the board and faculty.

Diplomas, &c., to be awarded by president.

§ 12. A majority of the board concurring, may remove the secretary or treasurer and appoint another in their place.

Sec'y & treasurer may be removed.

§ 13. That if the college hereby made corporate shall afford instruction to any common school scholars in the district in which said college shall be located, the president of said board of managers may report all such scholars to whom said college has afforded instruction, to the commissioners of the common schools, and receive their share of the common school fund.

May draw money from the State if common school instruction is afforded.

§ 14. This act shall take effect from its passage.

Approved February 14, 1860.

1860.

CHAPTER 200.

AN ACT to incorporate the Philomathean Society, of Eminence College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. J. Vardiman, H. C. Shivel, J. W. Hogan, W. J. Thomas, and I. J. Kesler, and their associates, be, and they are hereby, created a body politic and corporate, by the name and style of the Philomathean Society, of Eminence College, located in Eminence, Kentucky, and by that name and style may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places in this Commonwealth; and shall also have power to acquire, take, and hold, by gift, grant, devise, or purchase, any real or personal estate, not exceeding the value of thirty thousand dollars; to convey, exchange, or dispose of the same at pleasure for the use of said society.

§ 2. That it shall be lawful for the members of the Philomathean Society, of Eminence college, as often as they shall be required by their constitution, to elect a president, vice president, secretary, treasurer, marshal, editor, and librarian, who, upon their election, shall enter upon the duties prescribed by the constitution of the society; and the president, vice president, secretary, treasurer, marshal, editor, and librarian, so chosen, and their successors, shall be the corporators, and shall take and hold for the use of the society all the goods, chattels, estate, and funds of said society, and in the corporate name may sue and be sued; and in all suits against the corporation service of process upon the president for the time being shall be good against said corporation.

§ 3. That the members of said society shall also have power and authority to ordain and establish such rules, by-laws, and regulations for their government as they may deem proper and necessary, and are not inconsistent with the constitution and laws of this Commonwealth and the charter, laws, and regulations of Eminence college. They may also appoint such subordinate officers as they may deem proper and necessary for the transaction of the business of said society, and may remove such subordinate officers at pleasure; but the president, vice president, secretary, treasurer, marshal, editor, and librarian, shall hold their offices until their successors are chosen, as prescribed in this act.

§ 4. That all property belonging to said society shall be, and the same is hereby, vested in the said society as fully and completely as if the same had been acquired after the passage of this act.

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§ 5. That it shall not be lawful for said society, at any time, to make a distribution of its property or its funds, or any portion thereof, among the members of said society; and in case the said society shall, at any time, become extinct, then all its property, of whatever kind or nature, shall thereby become vested in the trustees of Eminence college, to be appropriated as they may think proper.

§ 6. That the right shall be, and the same is hereby, reserved to the Legislature to amend, alter, or repeal this act at pleasure.

Approved February 15, 1860.

CHAPTER 201.

AN ACT for the benefit of the Westport Turnpike Road Company.

WHEREAS, The requisite number of citizens of Shelby county, under and by virtue of chapter 103 of the Revised Statutes, have organized a turnpike road company under the name and title of "The Westport Turnpike Road Company," according to the provisions of said act and the necessary orders of the Shelby county court; and whereas, it is found impracticable, from the character of the territory over which it is located, to build the same at a grade not exceeding three degrees, without an expenditure of an amount of money totally disproportioned to the advantages to be attained by the construction of said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Westport turnpike road company have the privilege, and is hereby authorized and empowered, to build said road upon a grade not exceeding four degrees.

§ 2. That each and every stockholder in said company, for every four shares of the capital stock he may own therein, shall have one person over sixteen and under fifty years of age, under his control, exempt from working on any other road.

Approved February 15, 1860.

CHAPTER 202.

AN ACT to incorporate the Greenup Coal and Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Labin J. Bradford, George Wurts, W. T. Finch, J. Taylor Bradford, and B. C. Larew, and their successors, are hereby created a body politic and corporate,

Corporators' names.

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Name and
style.Corporate
powers.

under the name and style of the "Greenup Coal and Oil Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and break or alter the same at pleasure; and may make all necessary or convenient by-laws, rules, and regulations for the government of said company and the management of its affairs, not inconsistent with the State or Federal constitutions.

Who to manage
affairs.

§ 2. That said company shall have power and authority to appoint any one or more of its members, or other person or persons to manage, control, and direct the business thereof, according to the by-laws, rules, and regulations which may from time to time be adopted by said company for its government and the transaction of its business; and said company shall be organized by the aforementioned corporators at such time and place as they may appoint.

Capital stock.

§ 3. That the capital of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars, which shall be subscribed and paid for, either in money or property, and in such name and on such terms as may be prescribed by said company in its by-laws; said shares shall be taken and be deemed to be personal property, and may be transferred in such manner as the said company, by its by-laws, may appoint.

Business of
company.

§ 4. The business of said company shall be confined to mining coal and transporting the same to market, the manufacture of oil and other products from coal, and the manufacture of iron and other minerals, or some branch or branches of said business; said company may purchase or lease, own or hold real estate either in or out of this State, and the same sell and convey at pleasure, according to its by-laws; it shall also have power to own and dispose of such personal property, together with buildings, machinery, boats, roads, &c., &c., as it may deem necessary from time to time in the prosecutions of its business: *Provided, however,* The real and personal estate so owned and so held shall at no time exceed one million dollars in value.

May own per-
sonal property.May construct
railroad from
mines to Ohio
river, and how
land acquired
for same.

§ 5. That said company owning any mine or mines in any county bordering on the Ohio river, in this State, shall have power to own, construct, and operate a railroad, or team road, or other road, with double or single track to and from its mine or mines and the Ohio river, and may construct the same to and from said mines and the river by such convenient route as it may designate; and for the purpose of location may enter upon and survey over the intermediate land or lands, and if said company cannot acquire the right of way over, and the necessary earth, gravel, stone, timber, &c., from the intervening and adja-

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cent lands, on terms deemed reasonable, it may proceed by writ of *ad quod damnum* to condemn the right of way and the convenient materials, in the manner pointed out in the Revised Statutes, chapter 103, title "Turnpikes and Plank Roads:" *Provided, however,* If the owner of the land or lands is dissatisfied with the finding of the jury in the first instance and traverses the same, then should the said company pay or tender the sum or sums and costs awarded to the persons to whom the same has or have been awarded, it may proceed without further delay to enter upon the lands, to take possession of the road bed and materials, and to construct and operate the road.

§ 6. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 203.

AN ACT providing for a settlement with Newton Craig, late Keeper of the Penitentiary.

WHEREAS, An action has been instituted in the name of the Commonwealth of Kentucky in the Franklin circuit court against Newton Craig and his sureties, for the recovery of money alleged to be due from said Craig to the Commonwealth, on a settlement of his accounts as keeper of the penitentiary; and whereas, said Craig has filed an answer and counter-claim or set-off in said cause, in which he claims that there is a balance due him, and for which he prays judgment against the Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever it shall be made to appear to the Auditor of Public Accounts that said cause has been finally adjudicated and settled by the judgment of said court or of the court of appeals, if an appeal should be taken by either party, it shall be, and it is hereby, made the duty of said Auditor to draw his warrant on the Treasurer, in favor of said Craig, for whatever sum, if any, may be adjudged in his favor against the Commonwealth, with interest and costs, according to the judgment in the cause; and such sum shall be immediately paid out of any money in the treasury not otherwise appropriated.

§ 2. That the judge of the court in which said cause is pending may, if said Craig and the Attorney General for the Commonwealth shall consent to the same, make an order referring all the matters in dispute in said cause between said Craig and the Commonwealth to four arbitrators, who shall be named in the order, two of whom shall be selected by said defendant and two by the Attor-

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ney General, and at least one of the arbitrators named by each party shall be a person learned in the law, of which fact said court shall be satisfied at the time the order is made. In case said arbitrators cannot agree, they shall select an umpire. The order of the court shall state the time in which the award shall be made and returned; but the time may be enlarged or extended by a subsequent order or orders. The proceedings upon such order of submission, and the powers and duties of the arbitrators and their umpire, and of the court, shall be as prescribed in the second, third, fourth, fifth, sixth, seventh, and eighth subdivisions of section 499 of the Code of Practice in civil cases, except that, in case any arbitrator should refuse to act, the court shall not, for that cause, set aside the order of reference; but on such refusal being made known to the court, the party who originally selected such arbitrator shall have the right to name another in his place; and thereupon an order shall be made substituting said person in lieu of the one who has so refused. The delivery of a copy of the award of said arbitrators to the Attorney General shall be a sufficient delivery to the plaintiff.

§ 3. That this act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 204.

AN ACT to change the State road leading from Glasgow to Greensburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of State road from Glasgow to Greensburg, as passes through or near the land of John W. Barret, of Barren county, be so changed as to pass through the lane of said Barret, and that portion of the road running round the farm of said Barret, is hereby discontinued.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 205.

AN ACT to amend the charter of the Williamsburg, Cumberland river, and Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of five years is hereby given to the company, which may hereafter be organized under the act of the General Assembly, approved March 10th

1856, entitled "An act to charter the Williamsburg, Cumberland River, and Tennessee Railroad Company," to organize said company and commence business under the provisions of said charter.

§ 2. This act shall be in force from its passage.

Approved February 15, 1860.

1860.

CHAPTER 206.

AN ACT to legitimate the children of Alfred Anderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Walter Winston Hurt and his sister, Ann Dorothy Hurt, illegitimate children of Alfred Anderson, of Green county, Kentucky, shall be, and are hereby, legitimized and rendered capable of inheriting the estate, real, personal, and mixed, of their father, Alfred Anderson, in the same manner, and in the same proportion, as if they had been born in lawful wedlock: *Provided*, Said Anderson shall die intestate.

Approved February 15, 1860.

CHAPTER 208.

AN ACT to amend the charter of the Bracken Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to amend the charter of the Bracken academy, approved February 15th, 1858, be, and the same is hereby repealed.

§ 2. That all the laws in force prior to the act aforesaid be, and are hereby, revived and declared to be in full force; and the trustees in office at the passage of the act aforesaid be, and are hereby, appointed and constituted trustees of said academy, viz: Thomas Myers, George Doniphan, John Taylor, Wm. C. Marshall, — Weldin, W. S. McKibben, J. Taylor Bradford, Isaac Dilse, Joseph Doniphan, and Thornton F. Marshall, who shall hold their office pursuant to the original act of incorporation.

§ 3. That the said trustees shall have full power to appropriate so much of the funds belonging to the academy as may be necessary to erect a suitable building for academic purposes, and the residue of said fund applied by them for education.

Approved February 15, 1860.

1860.

CHAPTER 209.

AN ACT to authorize the trustees of the Methodist Episcopal Church, South, of Columbia, Kentucky, to sell the parsonage property of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for H. G. Atkins, Robert Lyon, William T. Price, Francis M. Breeding, and Jesse W. Stone, trustees of the Columbia circuit of the Methodist Episcopal Church, South, to sell and convey to the purchaser the legal title to the parsonage property of said church in the town of Columbia, in Adair county, being part of lots Nos. 19 and 28 of original plan and map of said town, and lots Nos. 7 and 10 in Patterson's addition to said town; and the deed of the trustees aforesaid, properly acknowledged as other deeds are acknowledged, shall operate as a complete and perfect conveyance of all right and title that said church has in and to said property to the purchaser thereof.

§ 2. The sale and conveyance herein provided for shall be made under the directions of the quarterly conference of the Columbia circuit.

§ 3. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 210.

AN ACT to authorize S. K. Lucas to solemnize the rites of Matrimony in Crittenden county.

WHEREAS, It is represented to this General Assembly that there is a large region of country in Crittenden county, where there is no minister of the Gospel or justice of the peace authorized by law to solemnize the rites of matrimony; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sidney K. Lucas, of said county, be, and he is hereby, authorized and empowered to solemnize the rites of matrimony in Crittenden county: *Provided*, That said Sidney K. Lucas satisfies the county court that he is a man of good moral character, and gives covenant to the Commonwealth, with good surety, not to violate the law of this State concerning marriage.

§ 2. The parties to such covenant may, for a breach thereof, be fined, on presentment of a grand jury, in the same manner and to the same extent as is provided in chapter 47, section 9, Revised Statutes; and such license

may be revoked by said county court for sufficient cause, after reasonable notice to said Lucas. 1860.

§ 3. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 211.

AN ACT for the benefit of the Louisville and Beargrass Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chancellor of the Louisville chancery court is hereby authorized and empowered to decree the sale of said road, together with all the corporate privileges, franchises, and property held by said company, whenever any creditor or creditors thereof shall file a petition in said court for the enforcement of any lien, or the recovery of any debt or debts due by said company, under such rules and regulations, and on such credit, as he may deem most advantageous to all parties concerned, and to vest the purchaser or purchasers thereof with all the rights, privileges, and immunities now enjoyed by the stockholders of said company, and subject to all the restrictions and liabilities imposed by an act, entitled "An act to confirm and establish the Louisville and Newburg road, in Jefferson county, and to change the name thereof," approved January 11th, 1856.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 212.

AN ACT to incorporate the Elizaville and Pleasant Valley Mills Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, created and established under the name and style of the "Elizaville and Pleasant Valley Mills Turnpike Road Company," for the purpose of constructing an artificial road on the macadams plan from Elizaville, in Fleming county, to Pleasant Valley mills, in Nicholas county; the same to be constructed on the most practicable route, in the discretion of the president and directors of said company.

Company incorporated.

§ 2. The capital stock of said company shall be forty thousand dollars, which may be increased or diminished, as said directors may determine, to be divided into shares of fifty dollars each.

Capital stock.

1860.

Comm'rs to
open books.

Obligation.

[Certain sec-
tions of another
act made appli-
cable.How tolls may
be charged.

§ 3. Books for the subscription of stock in said company, shall be opened at any time after the passage of this act, at such place or places as may be most convenient, under the direction of John S. Darnall, George W. Bishop, John Cowan, William Harper, A. G. Slicer, and Moses Gleen. That said commissioners, or any one or more of them, appointed by this act to open books for the subscription of the capital stock of said company, shall procure a book or books, and the subscribers to the stock in said company shall enter into the following obligation in said book, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the Elizaville and Pleasant Valley mills turnpike road company, the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company"; which amounts shall be collectable in the courts having jurisdiction in like amounts in civil suits.

§ 4. That sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two of an act, entitled "An act to incorporate the Elizaville and Blue Lick Turnpike Road Company," be, and the same is hereby, re-enacted and made to apply to and be taken as part of this act, so far as the same may be applicable to the purposes hereof.

§ 5. For any fraction of said road over five miles and under ten miles, and for any fraction over ten and under fifteen miles, said president, directors, and company may, on completion of said road, charge toll at the *pro rata* rate, as may be charged on five miles; and in order to enable them to collect the same, may appoint a toll-collector and erect a toll-gate.

§ 6. That the subscriptions heretofore made to construct the road hereby incorporated, and all the acts of said subscribers, are hereby legalized and incorporated as part of this act.

§ 7. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 213.

AN ACT for the benefit of the Murphysville Turnpike Road, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the road tax in districts numbers seven and eight, through which the Murphysville turnpike

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road passes, in the county of Mason, shall be appropriated to the construction and keeping in repair the said Murphysville turnpike road: *Provided, however,* That it shall be the duty of the said turnpike road company to keep the dirt roads in said districts in repair.

§ 2. That said Murphysville turnpike road company shall have the privilege of erecting a toll-gate on their road, one mile from the west back street of the town of Washington, instead of one mile from the corporation line, as provided by the general law upon that subject.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 214.

AN ACT to amend the laws in relation to the Wilderness and Cumberland Gap Road, in Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John G. Eve, William Stewart, and James J. Gibson, be, and are hereby, appointed commissioners of that part of the Cumberland Gap Wilderness State road, in the county of Knox, both the Barbourville and old State road branches thereof, and of that portion of the Goose creek salt-works road from Jo. Payne's to the Clay county line, whose duty it shall be, so soon as the term for which the toll-gate on said road has been sold, or the term for which the present gate-keeper has been appointed shall expire, and after said commissioners shall have executed bond in the Knox county court for the faithful performance of the duties hereinafter assigned them, and taken an oath before some legally authorized officer, faithfully and impartially to discharge said duties, to enter at once upon the discharge of their duties, as follows:

Commissioners appointed, and their duties.

§ 2. They shall proceed to lay off said road into convenient precincts or districts, and appoint a surveyor or overseer on each precinct, whose duty it shall be to order all hands liable by law to work roads, who live in one mile on either side of said road or any of the branches designated, or on the same; which hands after being notified of the time and place, shall if they fail or refuse to attend and work the road under the direction of said surveyor, be fined in the sum of one dollar and twenty-five cents for each day so failing or refusing, unless he be able to show good cause for such failure, which fine may be recovered before any justice of the peace upon a warrant in the name of the surveyor or overseer, and shall when collected be applied in aid of the repair of said road, under the control and direction of said commissioners; each surveyor of a

Comm'rs to lay out road.

Overseers to be appointed, and their duties.

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precinct thus appointed, shall have power to select one of the hands bound to work in his precinct, to notify the hands in the precinct of the time and place of working, and the overseer shall give him credit for the time he may be necessarily engaged in giving the notices, and thus far exonerate him from work on the road. It is further provided, that said commissioners shall have power when they deem it proper, to contract the distance for hands to work said road, to not less than one-fourth of a mile on either side of the road or branches: *And provided further*, That the county court shall not have power to take any hand or hands herein provided to be allotted, unless it be to open new roads in said county.

Penalty of
overseer for fail-
ing to discharge
duty.

§ 3. The overseers who may be appointed under the provisions of this act, shall be liable in like manner and under like penalties for any failure to discharge their duties herein provided, as overseers or surveyors of roads now by law are liable; and shall keep their precincts of road in good repair, according to the direction and supervision of the commissioners, and may be indicted by the grand jury for any failure, and judgment rendered and fines collected, as now provided by law against defaulting road surveyors.

Commissioners
to designate
point at which
toll-gate to be
kept, and let
out the same.

§ 4. The commissioners shall have power to designate the point at which the toll-gate on said road shall be kept, between Cumberland Ford and the forks of the Barbourville and old State road branches, and shall let out said gate to the highest and best bidder annually, commencing at such time, or as soon thereafter as convenient, after the term of the present keeper shall expire; and shall sell out the same at the court-house yard of Knox county, first having at least twenty days' notice in writing posted in at least five of the most public places in said county. They shall take bond of the purchaser of said gate, with good security, conditioned for the faithful and legal performance of his duties as gate-keeper; and shall also take bond, with approved security, for the payment of the sum bid, payable in quarterly installments, graded in amount by said commissioners in such manner as nearly as possible to meet the receipts probably arising quarterly. And the sale of the gate shall take place on a court day. Said commissioners may qualify and give bond at any time after the passage of this act, and may advertise the sale of the gate to take place on any court day after the expiration of the present keeper's term; but if no sale can immediately be made after the same expires, then the commissioners shall take charge of the gate, and appoint a keeper for the *interim*.

How proceeds
arising from
sale of gate to
be applied.

§ 5. The commissioners shall apply the proceeds arising from the sale of the gate, first to the payment of debts due from the gate, and for which it is liable, except one fourth

of said amount, which, if it be necessary, may be applied in aid of the repair or reconstruction of such bridges on said road, as the necessities and exigencies of the case may render indispensable; and any surplus that may remain in their hands shall annually be divided between the different branches, as provided by law.

§ 6. That all foot passengers on said road shall be exempted from paying toll at said gate until said commissioners shall erect foot-logs or bridges over the streams. When they shall cause suitable foot-bridges to be erected over streams, then they shall have the right to charge toll, at the rate of five cents for each person over ten years of age, except those of Knox and Harlan, who are now exempted by law.

When foot passengers may be charged.

§ 7. The commissioners shall be allowed two dollars per day each for any day necessarily engaged in the duties herein assigned them, to be paid out of the proceeds of the gate, and may take precedence of other claims, as set out in the fifth section of this bill; any two of whom shall be a sufficient number to transact any business of the board, and one of the commissioners shall be sufficient to attend to any business in supervising said road.

Pay of commissioners.

§ 8. All acts, or parts of acts, of the General Assembly in relation to said road, inconsistent with the provisions of this act, are hereby repealed.

Approved February 15, 1860.

CHAPTER 215.

AN ACT giving power to the Judge of Clarke County Court to revise and correct the tax paid by the guardian of Benj. F. and Joel Q. Thompson, for the year 1858.

WHEREAS, It is represented that William N. Thompson, as guardian for Benjamin F. and Joel Q. Thompson, was improperly charged with tax on the sum of ten thousand dollars, on which he had paid the tax; and doubts being entertained as to the jurisdiction of the county judge to correct said error, the tax having been paid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the presiding judge of the Clarke county court may have the power and jurisdiction to correct the same on proper presentation thereof, and proof thereof that said taxation was erroneous, and was improperly paid; and on his certified judgment in the premises, the Auditor may issue his warrant for the amount of such judgment upon the Treasurer, which shall be paid as provided in the third section of article 8, chapter 83, of the Revised Statutes.

Approved February 15, 1860.

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CHAPTER 216.

AN ACT to incorporate the Mt Gilead and Steele's Ford Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Created body
politic and cor-
porate.

Name & style.

§ 1. That a company is hereby incorporated and constituted a body politic and corporate under the name and style of the Mt. Gilead and Steele's Ford Turnpike Road Company, with a capital stock not to exceed fifteen thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a macadamized turnpike road in Bourbon county, from a point near Mt. Gilead church, on the Maysville and Lexington turnpike, either upon or in the general direction of the Steele's Ford road, to a point on the Millersburg and Cynthiana turnpike, near James Thorn's.

Comm'r's to
open books.

§ 2. That James Whaley, Chas. Redmond, Solomon Redmond, E. Marston, Matthew Turney, and Amos Turney are appointed commissioners, who may open books for the subscription of stock in said company, at such times and places as they may deem expedient, and to take the obligations of subscribers for subscriptions to said road, which obligations shall be binding upon said subscribers.

When meeting
of stockholders
to be called.

§ 3. That when a sum not less than four thousand dollars shall have been subscribed, said commissioners, or any four of them, may call a meeting of the subscribers of stock, to be held at such time and place as they may designate by notices published for two weeks in the Paris Citizen and Kentucky State Flag newspapers, for the purpose of electing officers of said company. At least two of said commissioners shall be present and conduct said election. There shall be elected a president and five directors, who shall hold their offices for one year, and until their successors are chosen; and said directors shall elect a treasurer, and such other officers as they may deem necessary. And the treasurer, before he enters upon his office, shall execute his bond to said company, with security, to be approved of by the directory, conditioned that he will faithfully perform the duties of his office; and whenever a demand shall be made upon him by the directory or their authorized agent, will pay over all sums of money in his hands as treasurer. He shall continue in office for one year, and till his successor shall be appointed by the directory.

President and
directors to be
elected.
Officers may be
elected.

Election to be
held annually.

§ 4. A meeting of said company shall be held for the election of officers in each year, on such day and at such place as may be fixed by the directory; and if no day shall be fixed, it shall be on the same day of the year and at the place at which the first meeting is held. At all elections of the company, each stockholder shall be entitled to one

vote for each share of stock he may own, which he may cast either in person or by proxy.

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Corporate powers.

§ 5. Said company shall have perpetual succession under the name above designated, and in that name may sue and be sued in the courts of this Commonwealth; may have a common seal and alter the same at pleasure; may acquire and hold such real and personal estate as may be necessary in the construction of their said road, and may make such rules and by-laws as may be necessary, relating to the construction, use, and management of their road. It shall have a right to acquire, by purchase or relinquishment, or by writ of *ad quod damnum*, sufficient ground, not exceeding one acre, for the habitation of toll-gate keepers, and rock quarries at convenient distances apart for the construction and repair of said road, and to the extent that its road shall be located so as to diverge from the Steele's Ford road; thus also to acquire the right of way from the owners of the land over which it shall pass.

§ 6. Said road shall be not more than thirty-two feet in width, and the gravel part of it not less than fifteen feet in width.

Width of road.

§ 7. When said road shall be completed, said directory shall have authority to erect one toll-gate at such point as they may designate, and charge and receive thereat toll not exceeding the rates specified in chapter 103 of the Revised Statutes, under the head of "General Traveling," or to erect two toll-gates, one near each terminus, and charge and receive at each toll not exceeding one half of said rates: *Provided*, That persons traveling on said road, shall only be charged toll bearing the same proportion to said rates that the distance they travel bears to the distance of five miles.

When gate may be erect'd.

§ 8. The county court of Bourbon county, a majority of the justices of the peace being present and concurring therein, shall have power to subscribe for said county, not exceeding seven hundred and fifty dollars per mile to the capital stock of said company, and to levy and collect a tax within said county sufficient to pay the same.

Bourbon co'ty court may take stock.

§ 9. The stock in said company shall be assignable under such regulations as the directory may prescribe, so as to vest the ownership thereof in the assignee.

Stock assignable.

§ 10. This act shall take effect from and after its passage.

Approved February 15, 1860.

1860.

CHAPTER 217.

AN ACT to incorporate Blue Spring Baptist Church, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James B. Ratliff, James T. Withers, Sinclair Walker, Alexander Ford, and Henry Petty, as trustees, and their successors in office, are hereby created a corporate body, by the name and style of the Blue Spring Baptist Church, in Barren county, and by that title to have perpetual succession, and to be governed by all the laws, rules, and regulations, and to have and exercise all the privileges of similar corporations.

§ 2. This act shall take effect from and after the date of its passage.

Approved February 15, 1860.

CHAPTER 218.

AN ACT for the benefit of John W. Moore, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Moore, Thomas Hines, William H. James, W. S. Kykendall, Samuel Kitchens, and J. B. Martin, sureties of Joseph S. Moore, as sheriff of Butler county, be, and they are hereby, released from paying into the treasury of the State any portion of the damages recovered against the said Joseph S. Moore, as sheriff of the county of Butler, and his sureties as aforesaid, in the Franklin circuit court, by reason of the failure of the said Moore, as sheriff of said county, to pay into the treasury of the State the revenue collected by him as sheriff of said county for the years 1857 and 1858.

§ 2. That the said sureties are not to have, or to claim the benefit of this act, until they shall have first paid into the treasury of the State the balance of the two judgments and costs obtained in the Franklin circuit court, against the said Moore as sheriff aforesaid, and his sureties aforesaid; being for the balance of the revenue collected by the said Moore, as sheriff aforesaid, for the years 1857 and 1858.

Approved February 15, 1860.

CHAPTER 219.

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AN ACT for the benefit of the Johnson's Fork Presbyterian Church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Shanklin, Stuart Hood, James A. Patton, and David Patton, trustees of the Old Johnson's Fork Presbyterian church, in Fleming county, are hereby authorized to sell and convey all that part of the burial-ground belonging to said church, not now inclosed by a stone wall, and a pass-way from and to the same from the turnpike road, and that their deed shall vest the purchaser with the legal title; and that the said trustees, and their successors in office, appointed by Ebenezer Presbytery, shall have full power and control of said burial-ground.

§ 2. That the money arising from said sale may be applied to the improvement of the burial-ground.

Approved February 15, 1860.

CHAPTER 220.

AN ACT to amend an act to incorporate the Commissioners of the Sinking Fund for Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proviso to the first section of said act, and so much of the second section in the words and figures following, to-wit: "At its March or April term for the present year, or at the first term thereafter at which such majority shall be present," be, and the same are hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 221.

AN ACT to authorize Wm. B. Kidd, Assessor of Clarke county, to appoint a deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That power and authority be, and is hereby, conferred on William B. Kidd, assessor of tax in and for Clarke county, to appoint William R. Beall, now a constable of said county, as his deputy, to aid him in the discharge of his official duties; and when so appointed, said deputy shall be subjected to all the responsibilities, and shall have all the rights and privileges, of his principal;

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and for the service rendered by him shall be entitled to receive compensation such as his principal would be entitled to for the same service; and said William B. Kidd shall be liable on his official bond for the acts of his said deputy.

§ 2. This act to be in force from its passage.

Approved February 15, 1860.

CHAPTER 222.

AN ACT to incorporate the town of Brownsville, in Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of
town.

§ 1. That the town of Brownsville, in the county of Edmonson, be, and the same is hereby, incorporated according to the following boundary, viz.: Commencing at a large rock near Martin Elmore's landing, on Green river; thence down said river three hundred and twenty poles to a stake; thence south twenty, east three hundred and twenty poles to a stake near the mouth of the Laurel branch; thence east forty, north three hundred and twenty poles to an apple tree near John Rountree's old mill; thence north ten, west three hundred and twenty poles, to the beginning.

Judges appointed to hold
first election, &
when held.

§ 2. That T. B. Martin, J. P. Hurlbut, and W. B. Harris, or two of them, are hereby appointed judges of the first election for officers for said town; who, after having taken an oath impartially to discharge their duty, shall, on the first Saturday in April, 1860, after having given three days' notice, by written advertisement, posted at three or more public places in said town, proceed to the election of five trustees, a police judge, and town marshal: *Provided*, That if said election is not then held, they may hold said election at any time during the year 1860.

Annual election.

§ 3. That the elections for officers for said town shall take place annually on the first Saturday in April: *Provided*, That the police judge shall hold office for the term of four years.

Polls to be returned to co'ty court.

§ 4. The polls of the election of police judge shall be returned to the county court of Edmonson county, at the first term after said election, and said court shall certify to the Governor the result of the election, and the Governor shall issue a commission for the person elected to the office of police judge.

Police judge to take oath.

§ 5. The police judge, before entering on the discharge of the duties of his office, shall take an oath before some justice of the peace or judicial officer of Edmonson county, to faithfully discharge the duties of said office to the best of his ability, without favor or affection, and without partiality to either party, together with such other oaths as

1860.

His duties, &c.

other public officers are required to take by the law and constitution; the said police judge shall have jurisdiction, within said town, of civil causes to the same extent that justices of the peace now have, or may hereafter have, in this State; and shall have the same jurisdiction of crimes and misdemeanors committed within said town, as two justices of the peace now have; and shall have full jurisdiction within said town of all offenses committed against the by-laws and ordinances of said town; and shall have exclusive power to enter judgments and issue executions for all fines and penalties for such offenses; he shall be entitled to charge and receive the same fees that justices of the peace are for similar services, and the same power to collect his fees; he shall have jurisdiction of all cases of motions and suits against the treasurer, clerk, marshal, and other officers of said town, for all moneys received and paid out in their official capacity, whenever required by any citizen or officer of said town to take cognizance thereof.

§ 6. Appeals from all judgments rendered by said police judge, in civil cases, shall be allowed to any party under the same rules and regulations, and to the same tribunals, as appeals are now allowed from justices of the peace in similar cases.

Appeals may be taken.

§ 7. The marshal shall, within said town, have the same powers and perform the same duties, and be liable to the same penalties that constables are now by law, or may hereafter be required to perform or be subject to; he shall also perform such duties as may reasonably be imposed on him by the trustees, under the by-laws of said town; the trustees may require of him bond, with good security, conditioned for the faithful discharge of the duties of his office; and he shall take an oath before some justice of the peace of Edmonson county, before entering upon his duty, to faithfully discharge the duties of his office.

Marshal—his duties, powers, &c.

To give bond.

§ 8. The trustees of the town of Brownsville shall have the same powers, and their duties shall be the same, as is prescribed by articles 3 and 4, of chapter 100, of the Revised Statutes.

Powers of trustees, &c.

§ 9. This act shall take effect from its passage.

Approved February 15, 1860.

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CHAPTER 223.

AN ACT to incorporate the Campbellsville Educational Society, of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Colvin, Alexander Wilson, Elias L. Barbee, A. H. Shively, Pleasant Saunders, and Alfred F. Gowdy, as trustees, and their successors in office, be, and they are hereby, created a body politic and corporate, by the name and style of the "Campbellsville Educational Society, of Taylor county," and by that title to have perpetual succession, with power to sue and be sued, plead and be impleaded, to contract and be contracted with, to acquire, hold, and convey property, both real, personal, and mixed; and to have and to use a common seal, or may act without it; and to perform all other acts which similar corporations may of right do.

§ 2. That the trustees incorporated by this act, at their first meeting after its passage, shall choose from their own body a president, also from said body, or the stockholders, a treasurer and secretary; and they shall have power to fill vacancies occurring in their body or in said offices, as herein-after provided; and make all by-laws, rules, and regulations for the government of said society, not contrary to the laws of the State; and at all meetings of the board a majority shall constitute a quorum to do business.

§ 3. That said trustees shall have power to employ all teachers, instructors, and preceptors for said society, necessary for the instruction of all pupils sent to said institution in the arts and sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education, such as are taught in the best male and female seminaries and academies of this State. Said board of trustees shall prescribe such course of study, and such mode of instruction therein, as they may deem best; and to confer upon the pupils of the institution such degrees and honors of a literary character as are usually conferred by similar institutions.

§ 4. That if said board of trustees should at any time fail to be elected by the stockholders, or any of the board refuse to serve or fail to act, should die or resign, then and in that event the stockholders shall meet and fill such board or vacancy by giving ten days' notice, by posting the same upon the court-house door in the town of Campbellsville: *Provided, however,* The board of trustees shall have power to fill all vacancies under three; and if said stockholders fail to keep a legal board of trustees for two years, the judge of the Taylor county court shall, upon the application of any stockholder, appoint a board of six trustees

for said society, to hold their office until the time fixed by the by-laws for the election of said trustees.

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Approved February 15, 1860.

CHAPTER 224.

AN ACT for the benefit of the Louisville and Shepherdsville Plank Road, and the Louisville and Shepherdsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Louisville and Shepherdsville plank road company, and the Louisville and Sulphur Well turnpike road company, are hereby united and consolidated into one company, under the name and style of the Louisville and Shepherdsville Turnpike Road Company; which company shall succeed to, enjoy, and possess the road-way, franchises, the estate, both real and personal, of both companies; shall have a right to sue for, collect, and use any debts or demands due to either company, and shall in like manner be liable for all the debts and demands due by either or both companies. All the stock taken and subscribed in either company shall be the same as if originally taken and subscribed in the Louisville and Shepherdsville turnpike road company; which company shall enjoy all the privileges and immunities of either and both companies as fully and effectually as if it had been the only company originally established.

Two roads consolidated.

Name and style, and corporate powers.

§ 2. The Louisville and Shepherdsville plank road company may establish a branch to their road, by graveling or macadamizing, according to the requirements of chapter 103 of the Revised Statutes of Kentucky, the old Flat Lick road, from the point where said road intersects the present road of said company, near the toll-gate, to such point in said Flat Lick road as will be intersected by any of the cross-streets that run south through the city of Louisville; and may, when the same shall be finished, charge tolls for travel, &c., thereon, according to the rate per mile allowed by the general laws of this Commonwealth.

May establish branch of said road.

§ 3. In order to raise the amount of money necessary to build said branch road, said company may cause to be subscribed new stock, not exceeding three thousand dollars, and may collect the same, which shall be applied to that purpose and no other.

New stock may be subscribed.

§ 4. This act, so far as it relates to the union and consolidation of the two companies, shall not take effect till the board of managers of the two companies shall assent thereto; and after such assent, the right to build the branch road shall, as all other rights, pertain to said Louisville and Shepherdsville turnpike road company.

When act to take effect.

1860.

Creditors of
road may file
petition in the
Louisville ch'y
court.

§ 5. That until such consolidation and union of the two companies, any creditor, whose debt shall be due and unpaid, of the Louisville and Sulphur Well turnpike road company, or of the Louisville and Shepherdsville plank road company, and if the two companies are united, then any creditor of the Louisville and Shepherdsville turnpike road company, whose debt shall be due and unpaid, shall have the right to file his petition in the Louisville chancery court against any one of said companies; and the court shall cause a report to be made ascertaining the debts of such company and to whom due; and the said court shall have the power, and it shall be its duty, to order a sale of the road, right of way, franchises, and all the estate, real and personal, that belong to or in any wise pertain to such company, upon credits of one, two, and three years; the proceeds of such sale shall be divided *pro rata* among the creditors of such company, and the surplus, if any, among the stockholders, according to the number of shares they may respectively own.

Purchasers of
said road to
have benefit of
charter.

§ 6. The purchaser or purchasers at such sale so to be made by the order of said court, shall succeed to, enjoy, own, and possess all the franchises, road, right of way, real and personal estate, and all the corporate privileges that belong to or in any wise pertain to the company against which such proceedings may be instituted, as fully and effectually, as though such purchasers had been the original corporators, and shall have the right of perpetual succession under the corporate name and style.

Not necessary
to make stock-
holders parties
to suit.

§ 7. In the suit to be brought, it shall not be necessary to make the stockholders parties thereto; but notice of such suit shall be published in one of the daily newspapers published in the city of Louisville, for at least six days.

How tolls to be
collected until
roads consoli-
dated.

§ 8. Until such union and consolidation, either company may demand and receive tolls for travel, &c., on said road, according to the interest of such company in said road, and shall have this right without obstruction or hindrance from the other company.

Approved February 15, 1860.

CHAPTER 226.

AN ACT to amend the charter of the Richmond and Tate's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the 12th section of the act incorporating the Richmond and Tate's Creek Turnpike Road Company, approved February —, 1860, as prescribes the width of grade and metaling of said road, shall be, and is

hereby, so amended as to require a grade of not less than twenty-four, nor more than forty feet in width, the metaling not less than eighteen feet wide, and the elevation in grade not more than three and a half degrees.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1860.

1860.

CHAPTER 228.

AN ACT for the benefit of George W. Gist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Gist, late judge of Montgomery county, be allowed the further time of two years to issue and collect his fee bills: *Provided*, That he be subject to all the laws now in force for issuing and collecting illegal fee bills.

§ 2. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 229.

AN ACT to amend an act to incorporate the Danville and Pleasant Hill Turnpike Road Company, approved February 11, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John J. Mock, James C. Banford, O. Garnett, Jacob Funk, C. Rodes, and J. W. Hugely, of Boyle county, Kentucky, and J. R. Bryant, A. H. Bowman, Benj. Campbell, James Thompson, Fred Nichols, Joseph H. Withers, W. J. Moberly, and Robert Davis, of Mercer county, Kentucky, be, and they are hereby, appointed commissioners to open books and receive subscriptions of stock in said company, in the room of those heretofore appointed by said act; said books to be opened, after due notice given by publication in the most convenient newspapers, on the 15th of January, 1860, or so soon thereafter as convenient, and to be kept open until twenty-five thousand dollars in stock, of shares of fifty dollars each, has been subscribed.

§ 2. That all the provisions of said act not affected by this amendment, be, and the same are hereby, continued in full force; and this act shall take effect from its passage.

Approved February 15, 1860.

1860.

CHAPTER 230.

AN ACT to incorporate the "Branch of the Stanford and Houstonville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- Route of road.** § 1. That persons who subscribe stock to construct a turnpike road from a convenient point on the Stanford and Houstonville turnpike road, at or near the mouth of Briggs' Branch, running up said branch, nearly with the county road, to a point on said road opposite Ellis W. Brown's; thence through the farm of B. Varnarsdall, in the direction of Jas. P. Montgomery's, to McKinney's station, be a body politic and corporate, under the name and style of the "Branch of the Stanford and Houstonville Turnpike Road Company," and by that name shall sue and be sued, and shall have perpetual succession; and the capital stock shall not exceed ten thousand dollars.
- Name & style.**
- Capital stock.**
- Com'rs to open books.** § 2. The following persons shall be commissioners to obtain stock in said turnpike road company: Burton McKinny, Thalus H. Wright, B. Varnarsdall, James P. Montgomery, and Ellis Brown, jr., any two of whom may act. They may, at any time they think proper, cause the books for the subscription of stock to be opened, after having given ten days' notice of the time and place of meeting, by posting up advertisements. The stockholders shall be authorized to organize and elect a board of officers whenever fifteen hundred dollars of stock is subscribed, and ten days' notice of such an election has been given.
- President and directors.** § 3. That said road shall be under the control and management of a president and five directors, who shall, after the first election, hold their offices one year, and until their successors are elected and qualified. The first board of officers shall be elected at such time and place as the commissioners who act may direct.
- May erect gate.** § 4. That said company may erect a gate, and charge half the amount of toll usually collected at a full gate, the said road being only about three miles in length.
- Provisions of charter of Danville and Houstonville road made applicable.** § 5. The provisions contained from the fifth to the thirty-third section of an act of the General Assembly of Kentucky, approved the 4th of March, 1844, entitled "An act to incorporate the Danville and Houstonville turnpike road company," so far as they are applicable and not changed by this act, shall be the law governing the Branch of the Stanford and Houstonville turnpike company: *Provided*, That notices for calls on stock or meetings may be given by posting up notices.
- § 6. This act shall have effect from its passage.

Approved February 15, 1860.

CHAPTER 231.

1860.

AN ACT to incorporate Madison county Agricultural Association.

WHEREAS, It is represented that citizens of the county of Madison and adjoining counties are anxious to create an association for the purpose of improvements in agriculture, horticulture, and the mechanic arts, and desire an act of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Cassius M. Clay, James B. Walker, William Harris, Thomas H. Embry, Clifton R. Estill, Wm. L. Biggerstaff, Wm. L. Neall, Peter T. Gentry, Richard Hockaday, Wm. K. Hocker, George W. Maupin, Durrett White, William M. Miller, Milo Baxter, John Larimore, D. Walker Chenault, Coleman Covington, Thos. W. Miller, John Newby, Wm. M. Irvine, Wm. T. Fox, James M. Shackelford, and Curran C. Smith, and such other persons as may choose to associate with them, be, and they are hereby, created a body politic and corporate, with perpetual succession, under the name and style of the "Madison County Agricultural and Mechanical Association," and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of equity or law; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Madison, in the vicinity of Richmond, not less than ten nor exceeding forty acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the president and directors of said association may deem necessary and proper. The said association may use a corporate seal, or may use the private seal of its president for the time being.

Corporators' names.

Name and style, and corporate powers.

§ 2. The capital stock of said association shall be divided into shares of twenty-five dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct. Any five of the persons before named are authorized to open books for the subscription of stock in said corporation, at any time and place they may designate; and so soon as, in their judgment, sufficient stock is subscribed for to meet the objects and purposes of said association, they may call a meeting of the subscribers, who are shareholders, at Richmond, after having given notice by publication in the Kentucky Messenger, or any other paper published in Richmond, at least ten days previously, of the time and place of such meeting; at which time the subscribers then present shall elect a president and ten directors of said association, and such other officers as they may deem necessary.

Capital stock.

When meeting of stockholders to be called.

President and directors to be elected.

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Term of office.

§ 3. The president and directors so chosen shall continue in office until the first Saturday in June then next ensuing, and until their successors are chosen and enter upon the duties of their office, at which time, and annually thereafter, an election of president and directors shall be had by the shareholders of said association, unless the members of said association shall, by resolution, fix upon a different day; and they may at their annual election increase or diminish the number of directors, as to them may seem best.

Who to manage affairs.

§ 4. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the management of the president and directors, who shall have power to appoint a secretary and treasurer, and such other officers as they deem necessary to carry out the purposes of the association; and may require of such officers, so elected, bond with good security, payable to themselves for the faithful discharge of their duties. The president and directors shall have power to make such regulations and by-laws, not inconsistent with the constitution and laws of this Commonwealth, as in their opinion may contribute to the good order and success of said association, and enforce the same; and from time to time may alter, repeal, or modify them as they may think proper; they shall have power to contract and be contracted with in their corporate name, and to do every act, not inconsistent with the constitution and laws of this Commonwealth, which in their opinion will promote the objects of the association.

Quorum.

§ 5. A majority of the directors of the association, together with the president, shall be a quorum to transact business, unless the association shall require a different number.

Association liable for debts of corporation.

§ 6. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts contracted by it, or by its authority.

No spirituous liquors to be sold upon the ground.

§ 7. That no spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold upon the premises used for such fair; nor shall any such liquor, during any such time, be sold, either directly or indirectly, upon any lot or lane, road or street, adjoining or within half a mile of the same, under the penalty of twenty dollars for each and every such offense, to be recovered, together with costs, by warrant before the police judge of the town of Richmond, or before any justice of the peace of Madison county; and each separate act of selling shall be a distinct offense. Any county, other than the county of Madison, which, by its citizens, shall subscribe as much as twenty shares to the capital stock of this association, shall by its subscribers, at the annual election

Other county than Madison subscribing 20 shares of stock may elect director.

elect and appoint one director of this association, and one for each additional subscription of twenty shares.

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§ 8. This act to take effect from its passage; the Legislature reserving the right to change, alter, and amend the same at pleasure.

Approved February 15, 1860.

CHAPTER 232.

AN ACT to authorize Samuel P. Spalding to sell a slave.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel P. Spalding, of Union county, be, and he is hereby, authorized and permitted to sell Hampton, a negro slave, imported into this State under the act of 1833, any law to the contrary notwithstanding.

§ 2. That this act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 233.

AN ACT for the benefit of the Sheriff of Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time until the county court in June next be allowed the sheriff of Washington county to return an additional delinquent list on his tax book; and that the further time of two years be allowed said sheriff, after his present term, to distrain and collect all taxes and fee-bills uncollected and due him through his sheriffalty for said county; and that he shall be subject to the penalties now prescribed by law for collecting illegal fee bills.

Approved February 15, 1860.

CHAPTER 234.

AN ACT for the benefit of Susan Jane Vance, of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Hart county court be, and he is hereby, authorized to appoint a committee to take charge of the money and other estate or property to which Susan Jane Vance, a deaf mute, of Hart county, is now or may

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hereafter be justly entitled by law, who shall be required to give bond for the safe investment, and faithful appropriation of said estate for her use and benefit.

§ 2. Said committee shall be required to make settlement with the Hart county court once every two years.

§ 3. Said judge shall have power to appoint a successor in case of death or resignation, or on a failure to faithfully discharge their duties.

§ 4. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 235.

AN ACT to incorporate Aspen Grove Male and Female Seminary.

WHEREAS, It is represented that a number of worthy citizens in Campbell and Pendleton counties have erected a commodious building in Aspen Grove, near the line of said counties, in Pendleton county, for educational purposes:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles Dickens, Wm. Baman, Absalom Petit, Luther H. Ellis, Daniel Sellers, Richard Dooke, and Michael Ronse shall be, and are hereby, constituted a body politic and corporate, to be known by the name and style of the "Trustees of the Aspen Grove Male and Female Seminary," and by that name shall have perpetual succession; and are authorized to exercise all powers and privileges that properly and necessarily appertain to them in that character; and in the case of the death, resignation, or other disqualification of any of said trustees, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person so appointed shall be vested with the same power and authority as if specially named in this act; and by the name and style of the "Trustees of the Aspen Grove Male and Female Seminary" may sue and be sued, plead and be impleaded, in any court of law or equity, or before any tribunal having cognizance of the same. They shall annually, upon a day by them fixed, elect a president of their body, whose signature under his seal, to any contract, shall be as binding as if the same was executed under a corporate seal.

§ 2. That the said trustees and their successors are authorized to receive title to the property upon which the said seminary is erected, and further to purchase, lease, or receive by donation, any lands, tenements, moneys, rents, goods, and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; to sell, alien, transfer, and convey such

lands, goods, and chattels, and apply the proceeds to the use and benefit thereof.

1860.

§ 3. The seminary hereby established shall be deemed a common school, and shall receive its share of the common school fund from the Treasurer of the State, in proportion to the number of children: *Provided*, It complies with the school law of the State, in every particular: *Provided further*, That said trustees shall perform the duties which would be imposed upon them as trustees of any common school.

§ 4. That a majority of said trustees shall have power to engage and employ a competent number of teachers to said academy, to fix their salaries and term of tuition; and for the misconduct of any teacher or pupil, may expel or dismiss such teacher or pupil from said seminary; and to do all other things necessary for the good government of said seminary.

§ 5. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 236.

AN ACT authorizing a transcript of certain records in the Harlan county Surveyor's office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That immediately after the passage of this act, it shall be the duty of the judge of the Harlan county court to examine the condition of the records in the surveyor's office of Harlan county; and if it appear (as is represented to the present General Assembly) that certain portions of said record is not placed upon durable books and material, but is upon loose sheets of paper, liable to be lost, misplaced, or injured, therefore, if said records are by said judge found to be thus kept, or any portion of them liable to loss or destruction, he shall make an order, and have the same entered upon the records of the county court of Harlan county, ordering the present surveyor of Harlan county to transcribe any portion of said records, pointing out by an order of the county court that portion to be transcribed; and when so transcribed, the county judge of the court shall examine the record, and if he approve it, shall make an order in said county court to that effect; and said transcript record shall ever afterwards be considered valid in law.

§ 2. The records so transcribed shall be placed on durable, well bound books; and the present surveyor, or his successor, shall have power, under the order of said court, to make the transcript; and when the same is completed,

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the county court judge shall make the surveyor a reasonable allowance for the service, which shall be paid out of the county levy of said county, or out of any money in the county treasury, or partly from each source, as the county judge may order.

Approved February 15, 1860.

CHAPTER 237.

AN ACT to incorporate the Peyton's Well Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body corporate § 1. That persons who subscribe stock to construct a turnpike road from a point at or near the Hanging Fork bridge, on the Stanford and Houstonville turnpike road, to a convenient point on the Knob Lick turnpike road, at or near the line between the lands of Joseph Chenault and Harvey Helm, be a body politic and corporate, under the name and style of the Peyton's Well Turnpike Road Company, and by that name may sue and be sued, and shall have perpetual succession; and the capital stock shall not exceed thirty thousand dollars.

Name & style of company.

Commissioners to open books. § 2. The following persons shall be commissioners to obtain stock in said turnpike road company: D. J. Alcorn, Peter E. Carter, M. N. Depaw, T. H. Wright, Mat. Sandridge, A. W. Harper, and Richard Coble, any two of whom may act; they may, at any time they think proper, cause the books for subscription of stock to be opened, after having given ten days' notice of the time and place of meeting, by posting up three or more advertisements in Lincoln county. The stockholders shall be authorized to organize and elect a board of officers whenever three thousand dollars of stock is subscribed, and ten days' notice has been given of such an election.

Who to manage road. § 3. The road shall be under the control and management of a president and five directors, who shall, after the first election, hold their offices one year, and until their successors are elected and qualified; the first board of officers shall be elected at such time and place as the commissioners who act may direct, who shall hold their offices until the first Monday in May succeeding, and until their successors are elected and qualified.

Certain sections of another charter made applicable to this. § 4. The provisions contained from the 5th to the 33d section of an act of the General Assembly of Kentucky, approved the 4th of March, 1844, entitled "An act incorporating the Danville and Houstonville Turnpike Road Company," so far as they are applicable and not changed by this act, shall be the law governing the Peyton's Well

turnpike company: *Provided*, That notices for calls on stock or meetings may be given by posting up notices.

§ 5. This act to take effect from its passage.

Approved February 15, 1860.

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CHAPTER 238.

AN ACT for the benefit of Thos. H. C. Bruce and John McCall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas H. C. Bruce and John McCall be, and they are hereby, authorized to lay the track of their railroad across the State road, in Lewis county: *Provided*, That the same shall not obstruct the passage or travel upon the said State road.

§ 2. That this act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 239.

AN ACT to allow James Bartrum, of Lawrence county, to erect a dam across Rockcastle Creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Bartrum, of the county of Lawrence, shall be allowed and have the privilege of erecting a mill-dam in and across Rockcastle creek, anywhere in said creek, from its mouth to where the county road crosses the same. Said dam shall not be more than seven feet high. This act shall not be construed to vest in said Bartrum any right except the one to erect the dam and mill on said stream; in all other things said Bartrum is required to comply with the law as it now exists concerning water grist-mills, &c.

§ 2. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 240.

AN ACT to amend the charter of West Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of West Covington, in Kenton county, shall have concurrent [jurisdiction] in civil and criminal cases with the justices of the peace in the district where said town is situated, and shall

Powers of
Police judge.

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receive the same fees for like services, to be collected in the same way, and shall in the same manner be responsible for illegal fee bills made out and collected: *Provided*, That he shall not have jurisdiction to hear and determine any motion or writ against a constable for a failure to make proper returns upon process, or for failing to pay over money collected under process, where such process was issued by another court.

Appeals.

§ 2. That appeals may be had from the judgments of said police judge to the quarterly court in the same manner, and upon the same terms that appeals are now, or may be hereafter, allowed from the judgments of justices of the peace.

Powers and
duties of mar-
shal.

§ 3. That the marshal of said town shall have the same power within the limits of said district, to execute process in civil and criminal cases, that the constable within the same now has; and in all cases where an offense is committed against the by-laws or ordinances of said town, if the person or persons committing such offense shall escape beyond the limits of the same, the said marshal shall have the right, and it shall be his duty, to pursue and arrest such offender or offenders, if found within the county; the said marshal shall be entitled to receive for executing process and making arrests, the same fees which constables are now entitled to by law for like services, and shall be subject to the same responsibilities in all respects; before this act takes effect as to him, he shall execute bond with security, to be approved by the police judge of said town, conditioned for a faithful discharge of the duties of his office, and the payment of all money collected by him to the person or persons entitled by law to receive the same, which bond shall be filed with the police judge; and for all breaches of the same, the like proceedings may be had against him and his surety or sureties, as are now given by law against constables in similar cases.

How streets &
alleys may be
opened.

§ 4. That the trustees of said town shall, at any time when a majority of them shall deem it necessary, have the right to file a petition in the county court of Kenton county, asking to have streets and alleys in the same opened or extended, and the court, on the filing of such petition, shall cause the proprietors of the land through or over which such streets or alleys are proposed to be opened or extended, to be summoned or notified to appear and show cause, if any, why the same shall not be done; such summons or notification shall be given at least ten days before the term of the court at which such petition is acted upon, unless the proprietors in person, or by agent or attorney, appear and waive such notice; if the proprietors, or their agents or attorneys, so desire, the court shall cause a writ of *ad quod damnum* to issue, directed to the sheriff, who

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shall impanel a jury, none of whom shall be residents in said town or owners of property therein; and such jury, together with the officer who summoned the same, or his deputy, shall meet on the ground, after notice to the parties of the time of such meeting, and proceed to inquire and ascertain what damage will be done to the proprietors by the establishment or extension of the proposed street or alley, over and above the peculiar benefits which will be conferred upon them by such establishment or extension, and what will be a just compensation to each of said proprietors for the land proposed to be taken. The jury, before they proceed to make the inquiry, shall be sworn, faithfully and impartially to execute the duties assigned them, which oath may be administered by the officer in attendance, or by any justice of the peace; and the inquest, in writing, shall be signed by the foreman of the jury and returned with the writ to the county court by the officer; upon the return of the inquest, the court may, upon the payment by the town of all costs and damages, order the streets or alleys to be opened or extended. It shall not be necessary for such inquest to show in detail the particular damage which will be sustained by the proprietors; but it shall show, separate from other things, the value of the land which is proposed to be taken.

§ 5. That said trustees shall also have the right to make application to said county court, by petition or motion, for the appointment of viewers to view the ground along which roads leading to and from said town are proposed to be established; and said court shall appoint two or more fit persons to view the same, who shall be sworn as required in the preceding section of this act. Said viewers shall go on the ground, accompanied by the surveyor of the county, if the court shall so direct, and mark out a route for such road, and report the same to court, which report shall describe the route by metes and bounds, and by courses and distances. They shall also report the names of the proprietors and tenants of the ground over which such road is proposed to be established, and the conveniences and inconveniences which will result, as well to individuals as to the public, from the establishment of the same. Upon the return of the report, the court shall cause the proprietors to be summoned to appear at the next term, and show cause, if any, against the same. When such process is returned executed at least five days before the sitting of the court, if there is enough before the court to enable it to fix a just compensation to the proprietors, and they are willing to accept what the court deems just, it may determine the matter without a writ of *ad quod damnum*; but if the proprietors, or their agents or attorneys, desire it, or if the court shall see cause for the same, a writ of *ad quod damnum* shall

How roads
may be opened
leading to said
town.

1860.

issue, upon which the same proceedings shall be had as in cases of application for the opening or extension of streets and alleys. No juror summoned under such writ shall reside in said town, or be the owner of property therein; nor shall any of them reside within one mile of the proposed road.

Town to pay
damages.

§ 6. That when any such road is established upon the application of said trustees, the said town shall pay all damages awarded by the court or jury, and the legal costs of the procedure, together with the costs which the defendants shall have expended in their defense; except that when the record shows that the sum allowed by the jury to any defendant is not more than the court had consented to allow him before awarding the writ of *ad quod damnum*, such defendant shall be adjudged to pay the costs occasioned by such writ. But the court may, if it thinks the circumstances of the case justify it, exempt said town from the payment of a part or all of the damages and costs, and leave the same to be levied at the next court of claims for said county, and paid as in other cases of establishing or altering roads.

§ 7. That this act, except as provided in the third section, shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 241.

AN ACT to incorporate Henry Lodge, No. 101, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John S. Gullion, Benjamin Gullion, G. N. Searcy, Wesley Dean, Wm. Anderson, and George S. Whipple, and their associates, be, and are hereby, created a body corporate, by the name and style of "Henry Lodge, No. 101, of the Independent Order of Odd Fellows," and they and their associates and successors shall so continue, and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the grand lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contraven-

tion of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds. The right to alter, amend, or repeal this act, is hereby reserved to the General Assembly.

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Approved February 15, 1860.

CHAPTER 242.

AN ACT to establish and incorporate the town of Vandersburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Vandersburg, in Hopkins county, is established and incorporated, with the lots, streets, alleys, and land in the following boundary, to-wit: beginning at P. D. Clayton's, (including his residence,) running thence north a half mile to a stake; thence west one mile to a stake; thence south one mile to a stake; thence east one mile to a stake; thence to the beginning.

Boundary of town.

§ 2. That L. D. Orr and P. D. Clayton are hereby appointed judges, and S. T. Morrow is appointed clerk of the first election of trustees for said town; who, after having taken an oath impartially to discharge their duty, shall, on the first Saturday in April, 1860, after giving three days' notice, proceed to elect five trustees of said town: *Provided*, That if said election is not then held, they may hold said election at any time during the year 1860.

Judges to hold first election.

§ 3. That after the first election, the general laws, as applicable to towns in this State, shall apply to the town of Vandersburg; and said trustees shall hold their office until the next election under the general law, and until their successors are qualified.

Term of office of trustees.

§ 4. That said trustees shall have power, after having obtained the consent of the owner or owners of the lots or land in said town, to open any other streets or alleys, and to have the plat of said town recorded in the office of the clerk of the Hopkins county court.

May open streets & alleys.

§ 5. That the offices of police judge and town marshal are hereby created and established in said town.

Police judge & town marshal.

§ 6. That the police judge of said town shall be elected by the qualified voters thereof at the same time and in the same manner, and hold his office for the same term, as the county judge of Hopkins county: *Provided*, That the first election may take place on the first Monday in August, 1860; and the police judge then elected hold his office until the regular election, and until his successor qualifies.

When Police judge elected.

1860.

When marshal elected.

§ 7. That the marshal of said town shall be elected by the qualified voters thereof, at the same time, and in the same manner, and hold his office for the same term, as the sheriff of said county.

Jurisdiction of police judge.

§ 8. That the jurisdiction of said police judge shall be concurrent with justices of the peace in all civil cases which arise within the limits of said town, and concurrent with justices of the peace and magistrates in all criminal and penal cases arising in said county.

Powers and duties of marshal.

§ 9. That the marshal of said town shall have power to execute any process issued by said police judge, as well as any process issued from the Hopkins quarterly court; but shall have no power to execute any process issued by a justice of the peace, except in criminal or penal cases.

To hold election.

§ 10. The election of said officers shall be held before the board of trustees of said town. The chairman of the board of trustees shall certify the election of the police judge to the Governor of this Commonwealth, upon which certificate the Governor shall commission the police judge, and the latter will take the same oath of office administered to county judges; and such chairman shall certify the election of the town marshal to the Hopkins county court; and the marshal shall enter into bond, with sufficient surety, in the county court, and qualify in the same manner as constables are required by law to do; and the marshal and his sureties shall be liable to motion or action as constables now are by law.

Governor to commission Police judge, & take oath.

Marshal to give bond.

§ 11. That this act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 243.

AN ACT to repeal an act, entitled "An act to incorporate the Henderson Cemetery Company."

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to incorporate the Henderson Cemetery Company," approved February 12th, 1849, certain persons therein named, and their associates, were created a body politic and corporate, by the name and style of the "Henderson Cemetery Company," with power to buy and hold land in the county of Henderson, not exceeding thirty acres, for cemetery and ornamental grounds; and whereas, it is represented that on the — day of —, 185—, the said company did, pursuant to said act, purchase a lot of ground near the city of Henderson, which was paid for by the sale of the stock of said company; and that the city of Henderson has become the owner of said stock, and the said company has resigned to the said city the control of said grounds, and has ceased

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to exercise the powers conferred upon them by said act; and whereas, the owners of lots in said grounds have petitioned for the repeal of said act, and the transfer of said grounds to the control and management of said city; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said act be, and it is hereby, repealed, and all the powers by said act conferred on the Henderson cemetery company, are hereby conferred on the mayor and council of the city of Henderson; and the said mayor and council are hereby invested with all the rights and authority in said act conferred on the trustees of the said cemetery company: *Provided*, That the said property shall be held for the same purposes as it was held by the said company, and that the rights of private persons heretofore acquired to lots in the said grounds shall in nowise be impaired.

Approved February 15, 1860.

CHAPTER 244.

AN ACT to protect sheep in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, levied a tax of one dollar per year on each and every dog of every description, over six months old, that may be in the county of Jessamine, on the 10th day of January, in each successive year hereafter, to be paid annually by the owner or owners of such dog or dogs: *Provided*, That every *bona fide* housekeeper in said county shall be allowed to own and keep two dogs free of such tax.

§ 2. No slave or minor shall be allowed to own or keep a dog or dogs unless they be annually listed, and tax paid thereon as hereby required, by the owner of such slave, or the father, guardian, or representative of such minor, who are hereby required to list and pay said tax on such dog or dogs, under the same penalty and responsibility for a failure to do so, as is now declared by law against *bona fide* tax-payers for failure or refusal to list and pay their county levies.

§ 3. For the purpose of executing this act, the assessor of said county shall in each year hereafter, at the time of assessing the taxable property of the county, ascertain, list, and report, with his annual report of taxable property, every dog or dogs so held or owned by every citizen or resident of said county; and to enable him to do so, he is hereby vested with all the powers that he now has by law

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in assessing taxable property, and shall likewise be subject to the same responsibilities and penalties for a failure to do so, as is now declared by law against him for a failure or refusal to perform similar duties.

§ 4. The sheriff of said county shall annually collect and account for said tax, at the same time, in the same manner, for the same compensation, and under the same powers and responsibilities of law, as he now collects the county levies or poll tax of said county.

§ 5. Said tax is hereby given and applied in aid of the county levy of said county, and when collected, is made subject to the control, management, and such disposition by the county court of said county, for the use and benefit of the county.

§ 6. This act to take effect from and after the 1st day of July, 1860.

Approved February 15, 1860.

CHAPTER 245.

AN ACT for the benefit of Mrs. Mary G. Crumwell, of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mrs. Mary G. Crumwell, of the county of Livingston, in this State, have the same privileges to be received into the lunatic asylums of this State as any other insane citizen thereof.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 246.

AN ACT for the benefit of William C. Gilliss, late Surveyor of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the first day of May, 1860, be, and the same is hereby, allowed William C. Gilliss, late surveyor of Whitley county, to collect his list of unpaid fees as surveyor of said county; that he have power to list the same with proper officers, who may distrain for their collection, as now provided by law, within the time herein given.

§ 2. Before he shall be entitled to the benefit of this act, the said William C. Gilliss shall appear in the Whitley county court, together with his former surety, or other competent surety, and acknowledge bond therein sufficient to

cover any liability for the issue or collection of illegal fees, according to the laws in such cases provided.

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§ 3. This act shall be in force from its passage.

Approved February 15, 1860.

CHAPTER 247.

AN ACT to authorize the surviving trustees of Bullitt Academy to select six associates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel A. McKay, Lorenzo Hoglan, and Robert F. Samuels, surviving trustees of Bullitt Academy, in Bullitt county, be, and they are hereby, authorized to appoint six other trustees to act with them in the discharge of their duties, according to the charter of said academy.

§ 2. That this act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 248.

AN ACT to incorporate Gordonsville Seminary, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the subscribers, Jno. T. Smith, C. T. Williams, L. J. Page, R. T. Young, G. B. Whitescarver, J. D. Cleavenger, Warren Greer, W. H. Campbell, E. R. Gordon, A. S. Morehead, R. W. Morehead, A. D. Kennedy, J. C. Gilliam, Nancy Sale, B. W. Bevier, Samuel J. Bourne, H. P. Smith, and George I. Walters, to the building of the Gordonsville seminary, shall be, and they are hereby, created a body politic and corporate, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of purchasing, receiving donations, and holding all such real and personal estate as may be required for the use and accommodation of said seminary; to receive all necessary conveyances, to sell, dispose of, and convey all such real and personal estate as they may now have or hereafter have.

§ 2. That the management of the concerns of said corporation shall be, and they are hereby, confided to B. W. Bevier, Jno. T. Smith, and A. D. Kennedy, as trustees, and their successors in office thereof, who shall have full power to make all contracts pertaining to real or personal estate in any respect, either purchasing or receiving donations,

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building or renting, or for any other purpose, which shall be binding and obligatory upon said corporation, when made in pursuance of the instructions of said corporation; and service of process or notice on said trustees shall be sufficient notice to said corporation.

§ 3. That the trustees appointed by this act shall hold their office until the first Monday in July, 1860, and until their successors be duly elected; and said corporation may, on the first Monday of July, every two years thereafter, elect three of their own body as trustees, whose term of office shall be two years, and until their successors are elected; and in case of the death, resignation, or refusal to act of any of said trustees, the remainder shall fill such vacancy until the next election, by appointment. Said board of trustees shall appoint a chairman from their number, who shall have power to convene the board when necessary; and it shall be their duty to keep a record of their proceedings in a book kept for that purpose, subject to the inspection of said corporation.

§ 4. That it shall be the duty of said trustees to have or take the management and supervision of said seminary, and employ teachers for conducting a school in same, and that they further have power to institute suit for any damage that may be done to said seminary, or any property belonging thereto, and collect the same; and that all suits brought in favor or against said corporation, shall be in the name of the trustees of the corporation of Gordonsville seminary.

Approved February 15, 1860.

CHAPTER 249.

AN ACT for the benefit of James R. Garland, late sheriff of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jas. R. Garland, late sheriff of Lewis county, be, and he is hereby, allowed the farther time of two years, from and after the passage of this act, to collect all taxes and fee bills, county levies, and officers' fees, in his hands and deputies, and his own fee bills; that he shall not distrain for the same, but that he may put them into the hands of any officer or officers for collection, who may distrain for the same.

§ 2. This act to take effect upon its passage.

Approved February 15, 1860.

CHAPTER 251.

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AN ACT for the benefit of the stockholders of Nicholasville and Jessamine county Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the subscribers of stock in the Nicholasville and Jessamine county turnpike road company be, and they are hereby, entitled to the exemption of one hand from working on any public road in Jessamine county for each one hundred dollars of stock subscribed and paid by said stockholders.

§ 2. The provisions of the first section of this act shall apply to the stockholders living in Jessamine county, owning stock in the Lexington, Harrodsburg, and Perryville turnpike road company.

§ 3. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 254.

AN ACT for the benefit of School Districts Nos. 12 and 18, in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Superintendent of Public Instruction be, and he is hereby, directed to draw his warrant upon the Auditor for the amounts due school districts Nos. 12 and 18, in Henderson county, for school legally taught in said districts, but not reported in time by the commissioner; said warrant to be drawn in favor of the said school commissioner, to be paid to the trustees of said district.

Approved February 15, 1860.

CHAPTER 255.

AN ACT authorizing J. D. Sanders to build a fish dam across the north channel of Green river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Sanders is hereby permitted and authorized to build, across the north channel of the Green river, beginning at an island near the middle of said river, running to the north side of said river, a fish dam; said dam shall not exceed four feet in height: *Provided, however,* That said dam shall not obstruct the ordinary navigation upwards and downwards on said river.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1860.

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CHAPTER 256.

AN ACT to charter Urania Literary Society of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. L. Morse, Wm. Sampson, W. E. Munford, James W. Gorin, J. R. Barrick, P. H. Leslie, and B. Lawless, as trustees, and their successors in office, be, and they are hereby, created a body politic and corporate, by the name and style of Urania Literary Society of Glasgow; and by that title to have perpetual succession, with power to sue and be sued, plead and be impleaded, to contract and be contracted with, to acquire, hold, and convey property, both real, personal, and mixed, and to have and to use a common seal, which shall be recognized in courts of law or equity, or may act without it, and to perform all other acts which similar corporations may of right do.

§ 2. The Legislature reserving to itself the right to repeal or amend this act, as it may see proper.

§ 3. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 257.

AN ACT to repeal an act approved 13th February, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act concerning the chartered turnpike roads in Montgomery county," approved 13th February, 1858, be, and the same is hereby, repealed.

Approved February 15, 1860.

CHAPTER 258.

AN ACT authorizing the County Court of Mason county to extend the charter of the Tuckahoe Ridge Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Mason county, upon the written application of the Tuckahoe Ridge turnpike road company, shall have power and authority to amend the charter already granted, or grant to said company a new charter for the construction of an extension of the Tuckahoe Ridge turnpike road from True's mill, on Lee's creek, of the Ohio river, to Howard and Shrouse's ferry, on said river: *Provided*, A majority of those who have subscribed

stock in the proposed extension shall first give their written consent thereto.

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§ 2. After the said charter has been amended or extended, as provided for in the first section of this act, the said extension shall compose a part of the said Tuckahoe Ridge turnpike road, and shall be managed and controlled by the said company to all intents and purposes as if embraced in the original charter granted by the Mason county court.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 259.

AN ACT allowing a constable in Kenton county to appoint one deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the constable in the justices' district next outside of, and adjoining the city of Covington, in the county of Kenton, is hereby authorized and empowered, by and with the approval of the county court, to appoint one deputy, and he may revoke the appointment at his pleasure; before such deputy shall proceed to execute the duties of his office, he shall take the oath required to be taken by the constable. Such deputy shall have all the powers of his principal, and be bound to do and perform all duties which by law his principal is bound to do and perform; and all persons in any manner injured by the official malfeasance, misfeasance, or nonfeasance of such deputy, shall have the same right of action, and extent and manner of recovery against the principal, as though the same had been done, or omitted to be done, by the principal.

§ 2. When such deputy shall so act, or omit to act, as to render his principal responsible, and the latter shall discharge such responsibility, the deputy shall be liable over to the principal for all damages and costs, legal and extraordinary, which the latter shall be put to on account of such act or omission.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1860.

1860.

CHAPTER 260.

AN ACT to amend an act entitled "An act to incorporate the Mortonsville and Lexington Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Mortonsville and Lexington turnpike road company are hereby authorized to assign and transfer to the Versailles and McCoun's Ferry turnpike road company, any part of their said road: *Provided, however,* That a majority of the stockholders shall first give their assent to said transfer, in writing. Said transfer shall carry with it all the rights and privileges conferred on the Mortonsville and Lexington turnpike road company.

§ 2. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 261.

AN ACT to amend the charter of the Shelbyville and Eminence Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the directors of said company are authorized to issue the bonds of said company for the sum of \$4,000 or less, in sums of \$100, bearing interest at any rate not exceeding ten per cent. per annum, and redeemable within five years from their date, for the purpose of liquidating the debts of the company; which bonds the directors are authorized, when they fall due, to reissue for a like period of time, if they deem proper.

§ 2. That said company is authorized to purchase three fourths of a mile of the Eminence and Shelbyville turnpike road company, to be cut off of the southern end of said road; which portion so purchased shall vest in the company upon the same terms and conditions on which it holds its original road.

§ 3. The company is authorized to sell an undivided interest of one half of a mile and a quarter of its road, beginning on the end next to Shelbyville, to the company which has constructed a turnpike from Christiansburg to intersect the road near Shelbyville.

§ 4. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 262.

1860.

AN ACT to regulate the mode of working roads in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county court of Gallatin county, all the justices being notified to attend and aid therein, at the August term in the year 1860, to lay off and divide the county into a suitable number of road districts, as nearly equal as may be in the amount of work which will be necessary to keep the roads in each in good order, which districts they may alter at pleasure from time to time; and shall then, or at some future time, appoint an overseer of roads for each of said districts, whose term of office shall continue for two years, at the pleasure of the court, or until his successor is appointed, and whose duty shall be to superintend the opening and working the roads in his district, with such means as may hereinafter be provided for that purpose.

County court to lay off co'ty into road districts.

Overseer to be appointed.

§ 2. It shall be the duty of the clerk of the county court, within ten days, if practicable, thereafter, to deliver to the sheriff of the county a copy of the orders establishing the several road districts, and the appointment of overseers therein, who shall deliver to the persons so appointed a copy of said order, and make due return thereof, indorsed on the original, to the clerk of said court.

Co'y clerk to deliver to sh'ff copy of order establish'g districts.

§ 3. That a tax of not less than two nor more than five cents on each hundred dollars of property assessed for State revenue in said county, and a poll tax of not more than one dollar on each male tithe subject to county levy within said county—both of these rates to be fixed annually, within these limitations, by the county court—shall each year be collected for road purposes, at the same time and in the same manner that the sheriff now collects the county levy and revenue tax; and the county court in taking said sheriff's bond for the faithful collection and payment of the county levy, shall in like manner provide for the collection and payment of the road fund, to such persons as may be authorized to receive it by said court; and on his failure to do so, he and his securities may be proceeded against, by motion or suit in the name of the county, in any court of competent jurisdiction. Said sheriff shall receive the same fees for collecting the road tax that the law now allows him for collecting the county levy.

Tax may be levied for road purposes.

§ 4. It shall be the duty of the county court, a majority of the justices being present and concurring, at its April term in each year, to apportion equitably the road fund among the overseers of the several road districts in said county, and said overseers shall expend the same in the improvement of the county roads therein; and for his

Road fund to be apportioned among the over-seers.

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services he shall be allowed out of the road fund such compensation, not exceeding twenty dollars per annum, as may be thought sufficient by the county court; but before he can receive such allowance, he shall report under oath the amount of money he has received, the amount of labor he has taken in lieu of road tax, and from whom and how he has expended the money intrusted to him; and for failure to make such report, or failure to expend the money as herein directed, he may be motioned against in said court, and shall be fined at the discretion of the court, any sum not exceeding double the amount he may be found a defaulter, which motion may be made by the county attorney, by giving said overseer ten days' notice, in writing.

Proceedings in
case overseer
refuses to act.

§ 5. Should any overseer fail or refuse to act when appointed, or fail or refuse to repair and keep in repair the roads within his district, so far as the means placed in his hands will permit, it shall be the duty of the county attorney for said county, to make a motion against such overseer in the county court, and upon the hearing of such motion, said court shall, if it find the defendant guilty, impose a fine upon him of not less than ten nor more than thirty dollars; which fine, when collected, shall be added to the road fund; such overseer shall have at least ten days' notice of said motion, which notice shall be served as provided in the preceding section.

Persons may
work out am't
of road tax.

§ 6. Any person who may be listed or assessed for road tax, shall be permitted by the overseer of his district to work out the amount of his road tax, or any portion thereof, under the direction of said overseer, upon such terms as he and said overseer may agree, unless a fixed rate of compensation for such labor shall be established for the entire county, which the county court is hereby authorized to do, if they think proper; and for such labor the overseer shall give a certificate stating the value thereof, which certificate shall be taken by the sheriff in lieu of that amount of road tax, and by the county court from him as money in the settlement of his account of road fund.

May appoint
road engineer.

§ 7. The county court may at any time, if they think it advisable, appoint a road engineer for the county, whose duty shall be to direct the district overseers in what manner they shall grade, drain, and work the roads of said county; they shall fix his compensation therefor, and discontinue and renew the office at pleasure; but no person thus appointed shall be compelled to serve, unless the compensation is satisfactory; said court may also, if they deem it necessary, require every able-bodied male inhabitant of said county, who is required under existing laws to labor on the public highways, to perform at least two days' work in each year, under the direction of the district overseers of their respective districts, who shall give them.

Persons may
be required to
work on road.

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their masters, or guardians, two days' notice of the time and place such work will be required, and the kind of tools they shall furnish; but such labor may be commuted by paying to the overseer seventy-five cents per day in lieu thereof for each hand so required to work, which sum or sums shall be used by him and accounted for as a part of the road fund of his district; and every person so notified and failing to attend and work as required, shall, unless he commute therefor as above provided, be reported by said overseer to the county court, when it shall be the duty of the county attorney to proceed to collect from every such delinquent, his master or guardian, by motion in the county court, one dollar per day for every day such person has failed to work as required by this act; which sums, when collected, shall be placed to the credit of the road fund of the district in which said delinquent resides.

§ 8. This act shall be submitted to the sense of the qualified voters of Gallatin county, at the next August election; and in order thereto, it shall be the duty of the sheriff of said county to cause to be opened on the poll books of the several voting places of said county, at said election, two columns, one headed "For road law," the other against it; and the question shall be propounded to every voter, "Are you for or against the adoption of the road law?" and his vote shall be recorded for or against, as the case may be; if, on comparing the poll books of the county, a majority of those voting shall be returned for it, it shall become a law, otherwise it shall be void. Should it be adopted, it shall be the duty of the county court to proceed to carry out its provisions as required therein; and all the general laws of this Commonwealth inconsistent with its provisions shall be repealed, so far as relates to said county.

Act to be submitted to qualified voters of county.

Approved February 15, 1860.

CHAPTER 263.

AN ACT to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the stockholders, (with their hands,) belonging to said company, and living within one mile of said road, shall hereafter be subject to work on the repairs of said road, and be exempt from working on all other roads.

§ 2. That the president of said company shall have power to call upon said stockholders, at any time when he thinks fit to do so, to work on the repairs of said road, first giving them at least three days' notice: *Provided, however,* That he

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shall not require the hands to work on said road more than four days in any one year.

§ 3. If any stockholder in said company, living within one mile of said road, when notified by the president of said company, shall fail or refuse to attend with the hands belonging to them, prepared with suitable tools to work said road, they shall be liable to the same penalty that is now allowed by law, for failure to work on county roads, and recoverable in the same way; and any fines so recovered shall be applied to the use of said road.

Approved February 15, 1860.

CHAPTER 264.

AN ACT to repeal the act of 13th February, 1858, concerning the chartered turnpike roads in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act concerning the chartered turnpike roads in Montgomery county," approved 13th February, 1858, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 265.

AN ACT to amend the charter of Clay Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Clay seminary, in Bourbon county, be so amended as to empower the trustees of said seminary to confer on those pupils as they may deem worthy, all such honors and literary degrees as are usually conferred by the best literary institutions.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 266.

AN ACT for the benefit of the town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Winchester are hereby invested with power and authority to close so much of the old Paris road, as lies in the boundary of said town,

between the limits of the town boundary and the point where the railroad route from Lexington to Big Sandy crosses said old Paris road.

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§ 2. This act to take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 267.

AN ACT to charter the Fairfield and Coxe's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed and created a body politic and corporate, by the name and style of the Fairfield and Coxe's creek turnpike road company, for the purpose of making a turnpike road from a point on the Bloomfield and Fairfield turnpike road, between Fairfield and a point on the road opposite Edwin Bennett's house, to a point on the Bardstown and Louisville turnpike road, within one hundred yards of the seven mile stone on said road, in Nelson county.

Body corporate

§ 2. That Henry McKinney, Charles Rogan, Felix Pitt, Samuel Bell, Edwin Clark, Saml. C. Belmare, Abel Crawford, and George W. Forman, be, and they are hereby, appointed commissioners, any two of whom may act, to open books for the subscription of stock, at such times and places as they may deem proper.

Commissioners to open books.

§ 3. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and whenever the sum of four thousand dollars shall have been subscribed to the capital stock of said company, the commissioners named in section two shall give notice by public advertisements in three of the most public places in the neighborhood, for a meeting of the stockholders for the purpose of electing a president and five directors; each stockholder shall be allowed one vote for every share of stock owned by him. The president and directors shall continue in office until their successors are elected and qualified. The time and place of all elections after the first shall be fixed by the president and directors; and a majority of the board shall constitute a quorum to transact business.

Capital stock.

When meeting of stockholders to be called.

§ 4. That sections four, five, six, seven, eight, nine, and ten of an act, entitled "An act to incorporate the Bardstown and Chaplinton turnpike road company," be, and the same are hereby, added as additional sections to this charter, so far as the same are applicable.

Provisions of another charter made applicable to this.

Approved February 15, 1860.

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CHAPTER 269.

AN ACT for the benefit of E. L. Starling, jr., of the county of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the disabilities of infancy be, and the same are hereby, removed from E. L. Starling, jr., of the county of Henderson, and that he shall have all the rights, and be authorized to exercise all the power over his estate, as though he were twenty-one years of age; and that it shall and may be lawful for the said E. L. Starling, jr., to execute and deliver to those now having control of his property, and when the same is delivered over to him, receipts for the same, which receipts, when so executed and delivered, shall be as binding and obligatory upon him, the said E. L. Starling, jr., as if executed by him when of full age.

§ 2. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 269.

AN ACT to incorporate Royal Lodge, I. O. O. F., in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. G. Goode, G. W. Goode, R. S. Ferguson, Charles McDavitt, T. W. Foster, J. R. Moseley, and T. S. Broughton, and their associates and successors, be, and they are hereby, created a body corporate, by the name and style of "Royal Lodge, No. 53, Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend, at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the grand lodge of the Independent Order of Odd Fellows, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding ten thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds.

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§ 2. Said lodge shall have power to purchase, hold, take by gift, transfer, and sell a tract or tracts of land, in addition to what they already own, not exceeding fifteen acres, adjoining their grounds, within one half mile of Keene, to be used as a burying ground or cemetery, which, together with the grounds they now own, shall be forever free from any interference of turnpikes, railroads, or other public improvements, unless by consent of the lodge; may improve the same by suitable avenues, walks, embellishments, and adornments; may sub-divide the ground into lots suitable for graves or vaults, and may sell the same at pleasure, which lots shall be used exclusively for burial purposes and no other, except such portion of said grounds as the lodge may see fit to appropriate to horticultural purposes, and to beautifying and adorning the grounds; and said tracts or lots of land are hereby forever dedicated and set apart to be held by said lodge, their associates, successors, and assigns, for the purpose aforesaid and no other. Said cemetery grounds, and all lots in said cemetery, shall be forever free from attachment or sale for debt, and shall be forever free from State, county, railroad, turnpike, or other taxes.

§ 3. The lodge shall have power to erect buildings for the general use of the lodge, and for the keeper of the grounds, and to prescribe rules for inclosing, adorning, and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornments of a lot which they may deem improper; may abate or alter any improvement, construction, or division of the grounds which in their judgment may be objectionable or improper.

§ 4. The original conveyances of lots from the lodge to individuals, shall be evidenced by a certificate signed by the noble grand, and countersigned by the secretary, under the seal of the lodge, specifying that such a person is the owner of such lot; and such certificate shall vest in the proprietor, his heirs and assigns, a right in fee-simple to such lot, exempt from execution, attachment, taxation, or any other claim, lien, or process whatever, for the sole purpose of interment under the regulations of the lodge; and said certificates shall have the same force and effect as deeds duly executed in other cases, and may be recorded and certified; copies thereof shall be evidence as in other cases; and said lots, or such portions thereof as may be prescribed by the lodge, and with their consent, may be conveyed by deed, in due form of law, for the sole purpose of interment as aforesaid; but no original certificate shall be granted to any person who does not produce a receipt from the treasurer that he has paid for his lot in full; nor shall any person be the proprietor of more than two lots at the same time, unless by the unanimous consent of the lodge. All lots heretofore sold and conveyed by the committees

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above named in this act, or by their predecessors, are hereby legalized; and the conveyance that may have been made, shall have the same force and effect, and be as binding upon the parties, as though they had been made in accordance with the provisions of this act.

§ 5. Any person who shall willfully deface or destroy the tombs, monuments, shrubbery, adornments, or anything pertaining to said cemetery or its avenues, or who shall hunt or shoot game of any kind on said grounds, shall, upon conviction of said offense, or any of them, be fined not less than five dollars, nor more than twice the value of the property injured or destroyed; and such amount shall be expended in repairing said damages or for the improvements of the grounds. Any magistrate of the county, county judge, or other court of competent jurisdiction, shall have jurisdiction in such cases. In all suits in which this corporation may be a party, the members thereof shall be competent witnesses.

§ 6. Any person or persons who shall willfully open any vault or grave within the limits of said cemetery, for the purpose of robbing such grave, or vault, or corpse, or any of its clothes, jewelry, or materials placed therein, or who shall remove any body from said cemetery for the purpose of dissection, or who shall knowingly receive any such body after its removal, together with all aiders and abettors, shall be deemed guilty of felony, and upon conviction, shall be punished by imprisonment in the penitentiary for a time of not less than two years nor more than five years, and shall be liable for damages done on the premises.

§ 7. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 270.

AN ACT to incorporate the Mayslick and Sardis Turnpike Road Company, of Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and incorporated to construct a turnpike road from the town of Mayslick to intersect the Sardis turnpike road, in the county of Mason, under the name and style of the Mayslick and Sardis Turnpike Road Company; and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts of this Commonwealth, and have and use a common seal, and alter or amend the same at pleasure.

§ 2. The capital stock of said company shall be fifteen thousand dollars, divided into shares of fifty dollars each

and each share shall be entitled to one vote in all meetings of stockholders.

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§ 3. That John S. Mitchell, Robert G. Chauslor, Silas A. Clift, Hiram Dye, Isaac Dye, M. R. Burgess, and Thomas Raymond, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they, or any five of them, may deem expedient.

§ 4. That when the sum of five thousand dollars shall have been subscribed, said company may organize, and commence the construction of said road; and so soon as two and one half miles of said road is completed, the directors of said road shall have the right to erect a gate on the east side of the road running north, between the lands of John S. Mitchell and Silas A. Clift, and charge half toll at the same.

§ 5. That it shall and may be lawful for the company created by this act to acquire the right of way for their road, and materials for the construction thereof, in the manner prescribed by the general law upon the subject of turn-pike and plank roads, and shall collect tolls at the same rate fixed by the general law upon that subject.

§ 6. This act shall take effect from and after its passage.

Approved February 15, 1860.

CHAPTER 271.

AN ACT for the benefit of E. B. Bartlett, late clerk of the Kenton Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. B. Bartlett, late clerk of the Kenton circuit court, shall have the further time of one year from and after the passage of this act, to issue and collect his fee bills, and the same shall be distrainable as now provided by law: *Provided*, That he shall also be subject to all the laws now in force against issuing and collecting illegal fee bills.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1860.

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CHAPTER 272.

AN ACT to incorporate the Leavell Green and Sugar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That persons who subscribe stock to construct a turnpike road to commence at a convenient point on the Lexington and Lancaster turnpike, near the residence of Richard M. Robinson, to run to or near the mouth of Sugar creek, be a body corporate and politic, under the style of the Leavell Green and Sugar Creek Turnpike Road Company, and by that name may sue and be sued, and shall have perpetual succession; the capital stock of which shall not exceed twenty thousand dollars.

§ 2. The following persons shall be commissioners to obtain stock in said company: Richard M. Robinson, Fred. Adams, Silas Figg, Gatewood Dunn, and Allan Burnsides, any three of whom may, at any time they think proper, cause books for the subscription of stock to be opened at such places as they may designate, by posting up advertisements at five or more public places in the vicinity of the proposed road. The stockholders shall be authorized to organize and elect a board of officers whenever three thousand dollars is subscribed, and ten days' notice of the time and place of said election shall have been given at five or more public places in the vicinity of the proposed road.

§ 3. The said road shall be under the control and management of a president and four directors, who shall, after their first election, hold their offices one year, and until their successors are elected and qualified; the first board shall hold their offices from the time of their election until the first Saturday in May succeeding, and until their successors are elected and qualified.

§ 4. That this company shall have power to condemn land and materials for their road, as prescribed by the general laws of this Commonwealth upon that subject, to purchase land upon which to erect a toll-gate, whenever they have made four miles of road, or more; and their rates of toll shall be the same as is now regulated by the general law concerning turnpike and plank roads in this Commonwealth.

§ 5. That the said company shall have ten years to organize under this act from the time of its passage.

Approved February 15, 1860.

CHAPTER 273.

1860.

AN ACT establishing a Police Court in the town of Farmington, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a police court be, and the same is hereby, established in the town of Farmington, in Graves county, which court shall consist of a judge and marshal, who shall be elected by the qualified voters of said town, and at the same time and in the same manner that the trustees of said town are elected.

Judge & marshal to be elected.

§ 2. In case of a tie, the same shall be decided in the same manner and under the same rules and regulations as now prescribed by law in relation to a tie vote for county judge; and all vacancies in either of said offices of police judge and marshal shall be filled, until the regular election, by the county judge of Graves county.

How tie vote decided, and vacancies how filled.

§ 3. The said police judge and marshal shall reside and keep their offices within the limits of said town; and the judge shall be commissioned by the Governor; and each of them shall, before he enters on the duties of his office, take the oaths prescribed by the constitution and laws; which oaths may be administered by any officers authorized to administer oaths.

To reside in town, and take oath.

§ 4. The marshal shall, at the first county court of Graves county after he shall have received his certificate of election, enter into bond, with good security, payable to the Commonwealth, conditioned to discharge faithfully and impartially all the duties required of him by law; and may be sued upon, from time to time, by any person feeling himself aggrieved; said bond shall be kept and filed away in the county clerk's office by the clerk thereof.

Marshal to give bond to county court.

§ 5. The police judge shall have the same qualifications of the justice of the peace, and the marshal those of a constable; and each may be removed by judgment of the circuit court, upon presentment of the grand jury, for malfeasance in office, subject to an appeal to the court of appeals. Said police court shall have jurisdiction of all violations of the by-laws and ordinances of said town; and shall also have the same jurisdiction of all cases, civil and penal, within the limits of said town, as justices of the peace now have, and shall have the same fees as justices of the peace. The police judge shall also have the power to issue attachments and injunctions in the same manner and under the same regulations prescribed by the Code of Practice.

Qualifications of judge and marshal.

Jurisdiction of police judge.

§ 6. The marshal shall exercise the same power now granted by law to constables, and be entitled to the same fees for similar services. Appeals from said police court shall be had to the county court and quarterly court, under

Power of marshal.

1860. the same rules and regulations as now govern appeals from justices' courts.

To deliver over papers to their successors.

Marshal to execute process delivered to him by any judge or justice.

§ 7. That the said police judge and marshal shall each deliver over to his successor any books or papers pertaining to each office. The marshal shall execute all process directed to him by any judge or justice of the peace for said county. The police judge may, for good cause, direct the process to any constable or sheriff of said county, who shall execute the same.

When first election to be held, and term of office.

§ 8. The first election for police judge and marshal shall be on the first Monday in April next; and the persons then elected to said offices shall continue in office for one year, and until their successors are elected and qualified as required by this act.

§ 9. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 274.

AN ACT to amend an act incorporating the town of Burksville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of town.

§ 1. That all that portion of Cumberland county extending from the court-house, in Burksville, in said county, to the east bank of Cumberland river, and within three quarters of a mile from said court-house, shall be, and is hereby, declared to be the town of Burksville, and as such, by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered in all matters whatever, and in all courts and places.

Municipal concerns vested in chairman and four trustees.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the chairman of the board of trustees, and four trustees, who shall be elected on the first Saturday in May, in each year, in the manner hereinafter prescribed, and shall hold their offices until their successors have been duly elected and qualified, all of whom shall have attained to the age of twenty-one years, and resided in said town one year next before their election.

First election, when held.

Police judge & town marshal elected, &c.

§ 3. That on the first Saturday in May next, there shall be an election held by two judges, appointed by the board from their number, and a clerk, for a chairman and four trustees, and for a police judge and a marshal, all of whom shall have resided in said town one year next preceding their election. All free white male persons over the age of twenty-one years, who shall, *bona fide*, have resided in said town for six months preceding said election, or shall,

1860.

Who may vote.

at that time, be owners of real estate therein, and who shall have paid their taxes for the current year, and all arrearages for tax or otherwise, shall be entitled to vote at said election, naming the persons for whom they vote for chairman, trustees, police judge, and marshal; the police judge shall hold his office until August, 1861, when another election shall be had, and every four years thereafter, at each August election; the marshal shall hold his office till August, 1861, and shall be elected every two years thereafter.

§ 4. The judges and clerk of said election shall, on the following Monday thereafter, meet at the office of the clerk of the Cumberland county court, compare the vote for chairman, trustees, police judge, and marshal, and give to the persons receiving the highest number of votes certificates of their election.

Certificates of election to be issued.

§ 5. The chairman, trustees, police judge, marshal, and all officers appointed by the board, before entering upon the duties of their respective offices, shall take an oath to support the constitution of the United States and of this State, and to discharge the duties of their respective offices to the best of their ability, so long as they continue in office.

To take oath.

§ 6. The chairman, trustees, police judge, marshal, and all officers appointed by the board, shall reside and keep their offices within the limits of said town during their continuance in office; said board of trustees may fill all vacancies occurring by resignation, death, removal, or otherwise, in the board, or in any of the offices of said town; they may, in the absence of the chairman at their meetings, fill his place by temporary appointment of one of their own number.

Chairman, &c., to reside in the town.

Vacancies; how filled.

§ 7. The chairman shall preside at the meeting of the board, and give the casting vote when there shall be a tie; he shall call the board to order and convene the same when he may think proper, and shall sign his name to all orders and proceedings of the board entered upon their book kept for that purpose.

Duty of chairman.

§ 8. The regular meetings of the board shall be held on the third Thursday of every month throughout the year; four of the trustees shall be capable of doing business in session. The board shall have power to inflict a penalty, not exceeding two dollars, on any member for non-attendance at any one meeting.

Regular meetings; when held

May fine absentees.

§ 9. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, records, and everything belonging to the office, and deliver the same to his successor in office on application being made therefor; he shall keep a regular journal of the proceedings of the board, and a correct account of the fiscal concerns thereof;

Clerk to be appointed, and his duties.

1860.

he shall record all the acts, resolutions, and orders of the board; he shall take all bonds and agreements between the board and other persons; he shall furnish attested copies of all acts, resolutions, and orders passed by the board, when required to do so by persons entitled to demand the same; he shall draw his orders on the treasurer or chairman for all sums of money due to persons on claims allowed by the board; and on the return of the assessor's list to the board, and the assessment of the taxes thereon, he shall hand over one of said lists, together with the order fixing the rate of assessment, to the collector, taking his receipt therefor; he shall be required to give bond, with sufficient security in an adequate penalty to be fixed by the board, conditioned for the faithful discharge of the duties of his office.

May cause
streets & alleys
to be graded.

§ 10. The board of trustees shall have full power and authority (a majority therein concurring) to cause all the streets and alleys, or any of them, or any part or portion of them in said town, now established or hereafter to be established, to be graded, paved, turnpiked, graveled, or otherwise improved.

May cause
sidewalks to be
paved.

§ 11. The board of trustees shall have full power and authority to cause the sidewalks, or any part or portion of them, in said town, to be curbed, graded, and paved with stone or brick, and when so done, to be kept in good repair; and to assess the costs and expenses of such curbing, grading, and paving, or repairs, adjacent to any lot or part of lot, against the owner of the lot or part of lot fronting thereon; and to secure the payment of said costs and expenses a lien is hereby given on said lots or parts of lots; said costs and expenses may be listed as taxes with the collector of said town, and by him collected as other taxes; who shall have power to sell and convey said lots and parts of lots, or so much thereof as may be necessary, in the same manner that other real estate may be sold in said town for taxes: *Provided*, That infants, *femes covert*, and persons of unsound mind, shall have five years after their several disabilities are removed to redeem the same.

Exclusive right
to regulate sale
of liquors.

§ 12. The board shall have the exclusive right to regulate the sale of spirituous liquors within said town; they shall also have the right to tax and the exclusive right to license all taverns within said town; but tavern-keepers and venders of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid; and no license shall be granted to any one to vend spirituous liquors in said town, until after the payment of the tax therefor imposed by the board.

May tax ven-
dors of spiritu-
ous liquors.

§ 13. That said board of trustees shall have authority to impose a tax of not less than fifty, nor more than one hundred dollars per year, upon all persons by them licensed to vend spirituous liquors.

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§ 14. They shall have power and authority, a majority of the trustees concurring, to suspend either indefinitely or for a limited period, any license which they may grant, or which may have been granted to a tavern-keeper or coffee-house-keeper in said town, whenever they shall be satisfied that said tavern-keeper or coffee-house keeper has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person or persons to tipple or drink to intoxication therein: *Provided, however,* that no license shall be suspended until said tavern or coffee-house keeper shall have had at least five days' previous notice in writing, signed by the chairman or one of the board of trustees, setting forth the grounds of complaint, and unless he has been permitted to show cause, if any he can, why his license should not be suspended; if any person whose license shall have been thus suspended by said board shall afterwards sell by retail any spirituous liquors or wines, he shall be deemed guilty of keeping a tippling-house.

May suspend license, and for what cause.

Penalty for selling after license has been suspended.

§ 15. They shall have power and authority to suppress, by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous liquors and wines, all riots, breaches of the peace, disorderly or indecent conduct, vagrancy, disturbances of religious worship, disturbances of the peace and tranquility of the town, and unlawful assemblages of slaves and free negroes in said town; they shall also have the power to prevent, by ordinance, with suitable penalties, the sale of spirituous liquors to slaves; they may also, by ordinance, with suitable penalties, upon the owner of any tavern or coffee-house in said town where spirituous liquors are sold, prevent the entrance into such tavern or coffee-house of any slave or free negro.

May suppress tippling houses, &c.

§ 16. The marshal shall attend all the meetings of the board of trustees, and all the sessions of the Burksville police court, and preserve order under his or their direction; he shall execute all process emanating from the Burksville police court; he may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions therefor, that constables are allowed for similar services; he shall execute bond with sufficient security therefor, before the chairman and board of trustees, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money that may come to his hands, to the persons entitled thereto; for other services than those above provided for, he shall be entitled to the same fees that are allowed to sheriffs for similar services; he and his sureties shall be liable to judgment by motion in the courts having jurisdiction in favor of any person or corporation entitled

Marshal to attend meetings board & police court.

His powers & duties.

1860.

His fees.

to money collected by said marshal, in like manner as constables are by law now liable; he shall have full power within the county of Cumberland to serve all process and precepts to him directed from the police judge, any justice of the peace, or the judge of the Cumberland quarterly court, and make due return thereof; and shall levy and perfect executions upon all orders and judgments of the police judge, justice of the peace, or judge of said quarterly court; he may serve notices and make due return thereon; and for his services he shall receive the same fees and commissions as constables and sheriffs are by law now entitled to receive for similar services, where it is not otherwise provided by this act. The marshal shall be entitled to a fee of one dollar for serving a peace warrant or warrant for a riot, rout, affray, or breach of the peace, and for all warrants, where a fine is to be assessed by a jury before the police judge or justice or judge of the Cumberland quarterly court; and twenty-five cents for all other warrants, and to a fee of fifteen cents for summoning a witness, and to the same fees from the State, to be paid out of the treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as constables are for like services; and in the exercise of the powers herein conferred, he shall be governed in all cases by the laws governing constables, and be liable in the same manner and to the same extent as sheriffs and constables are in like cases for the non-performance of any of the duties enjoined in this act. Should a vacancy occur in the office of town marshal, the same may be filled until the next regular election by appointment of the board of trustees.

Powers and duties of police judge.

§ 17. That the police judge of the town of Burksville shall have exclusive jurisdiction, within the limits of said town, of all misdemeanors and infractions of the ordinances of said town, and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction; and shall proceed in the same manner that justices of the peace are required to proceed in similar cases; he shall be a conservator of the peace, and shall have the same jurisdiction, power, and authority in all cases, civil, criminal, and penal, that any justice of the peace for Cumberland county has; he shall have jurisdiction of all offenses or causes arising out of the by-laws or ordinances of said town, passed by the board of trustees for the enforcement of the powers granted them by law; he shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power to impose fines in all cases of misdemeanors, to the amount of twenty dollars, without the intervention of a jury, and shall have the right to imprison the person so fined in the county jail,

until the same is paid by imprisonment, at the rate of two dollars per day; he shall have the same power to punish or contempts as by law justices of the peace now have; he shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace; all trials before the police judge shall be held and had in the town of Burksville.

§ 18. That upon all judgments rendered by the said police judge, either party shall have the right to appeal from said judgment in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

Appeals may be taken.

§ 19. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, and make them returnable before him as police judge; the same shall be directed to the marshal, or to any constable or sheriff of Cumberland county, and shall be executed or returned by the marshal, constable, or sheriff, as the case may be, under the same penalties as other process from justices of the peace. The police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or breach of the peace, or unlawful assembly or affray, or any misdemeanor, or for a breach of any of the laws in relation to the town of Burksville, or of any by-laws or ordinances of the board of trustees; he shall be entitled to a fee of twenty-five cents for all other warrants, twenty cents for recording a judgment, twenty cents for issuing an execution, and twenty cents for rendering judgment; in all other cases he shall be entitled to and receive the same fees as justices of the peace for similar services.

To issue process in name of commonwealth

His fees.

§ 20. That in the event of a vacancy occurring in the office of police judge by death, resignation, or otherwise, the board of trustees shall have the power to fill the vacancy by appointment, until the next regular election for said officer.

Vacancy—how filled.

§ 21. That all acts inconsistent with this act are hereby repealed; all acts relating to the town of Burksville, not inconsistent with the foregoing, are hereby declared to be still in force.

Repealing clause.

Approved February 15, 1860.

CHAPTER 275.

AN ACT for the benefit of the Board of Internal Improvement for Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of internal improvement for Shelby county be empowered, authorized, and permitted to extend

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the turnpike road now in process of construction from the Louisville and Frankfort turnpike road, along or near the Shelbyville and Bardstown public road to the line of Shelby county, to some point on the Louisville and Taylorsville turnpike road, on the Vandyke's mill branch of said road, intersecting the same, as may be most convenient and practicable. And in order to make this extension, the said board of internal improvement for Shelby county may diverge from the route of the said Shelbyville and Bardstown public road, in Shelby and Spencer counties, at such points as may be most convenient and practicable in view of the extension hereby authorized.

§ 2. For the purpose of making the extension aforesaid, the said board of internal improvement are vested with all the powers, privileges, and franchises that they now have or may exercise by law, or that they at any time had or might exercise by law, in the projecting, surveying, and constructing of turnpike or macadamized roads.

§ 3. The county courts of Shelby and Spencer counties are respectively empowered and authorized to change, alter, or close such public roads under their respective jurisdictions as may be situated to any extent within a distance of five miles of the Louisville and Taylorsville turnpike road, or the Vandyke's branch of the same, along and in the direction of the turnpike road now in process of construction as aforesaid, from the Louisville and Frankfort turnpike road to the Shelby county line, and the proposed extension of the same, whenever, in the judgment of said courts, by so doing important aid in money or work can be obtained for the construction of the extension aforesaid: *Provided*, That thereby no inhabitant is deprived of access from his farm or residence to his county court-house, a public warehouse, an established town, landing, ferry, mill, lead or iron works, the seat of government, a salt-lick, house of public worship, poor-house, coal or iron banks, or to a lock and dam.

§ 4. The county courts of Shelby and Spencer counties are respectively authorized to divide into road districts so much of the said road as the said board of internal improvement for Shelby county may construct along their turnpike road and the extension of the same, aforesaid, and allot for the working of the said side road the hands living within the road districts, or that may be established in accordance with this act; and whose lands, occupied as owners or renters, may bind on said road, or whose residences may be situated not more than one half mile from the said turnpike road and the extension of the same aforesaid, on either side of said road; and the said county courts are hereby authorized and empowered to appoint overseers of said road districts, so established as aforesaid; and in

1860.

all particulars, the overseers of said road districts, and the hands assigned to work the same, shall be subject to the regulations provided in the Revised Statutes, in chapter 84, "Roads and Passways;" and they shall be subject to the penalties therein provided for a failure to discharge their duties in the premises.

Approved February 15, 1860.

CHAPTER 276.

AN ACT for the benefit of Ben. Botts, late Sheriff of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ben. Botts, late sheriff of Fleming county, shall have the further time of two years to collect all fee bills and tax accounts as may have become due said Botts from 1st January, 1853, to January 1st, 1859.

§ 2. The said Botts shall have the power to collect all fee bills and tax accounts due him in that part of Rowan county which was taken from the county of Fleming, or at his, said Botts' election, he may list all such fee bills and tax accounts with the sheriff of Rowan county; and the said Botts and his securities shall be responsible as other sheriffs for issuing and collecting illegal fee bills.

§ 3. This act to take effect from its passage.

Approved February 15, 1860.

CHAPTER 277.

AN ACT for the benefit of School District No. 68, in Breckinridge county.

WHEREAS, It is represented to the General Assembly that there are in the county of Breckinridge two common school districts numbered 34, and that one of the said districts drew the amount due them for the year 1858, and the other said district numbered 34 drew nothing; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury for the sum of sixty dollars, in favor the common school trustees of district No. 68, heretofore No. 34, in Breckinridge county, the amount due said district for the year 1858, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved February 15, 1860.

1860:

CHAPTER 278.

AN ACT to incorporate the Monticello and Cumberland River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name & style,

§ 1. That persons who subscribe stock to construct a turnpike road from Monticello to Cumberland river, at or near Waitsborough, be a body politic and corporate, under the style of the Monticello and Cumberland River Turnpike Road Company, and by that name may sue and be sued, and shall have perpetual succession; and the capital stock shall not exceed forty thousand dollars.

Commissioners to open books.

§ 2. The following persons shall be commissioners to obtain stock in said turnpike road company: E. L. Vanwinkle, B. F. Coffey, John Bohon, A. R. West, Stev. Weaver, John S. Ray, Joseph Sewel, any three of whom may act. They may, at any time they think proper, cause the books for subscription of stock to be opened, after having given ten days' notice of the place of meeting, by posting up printed advertisements in five or more public places in Wayne county. The stockholders shall be authorized to organize and elect a board of officers whenever ten thousand dollars of stock is subscribed, and ten days' notice has been given of such election.

President and directors to manage road.

§ 3. The said road shall be under the control and management of a president and seven directors, who shall, after the first election, hold their offices one year, and until their successors are elected and qualified; the first board of officers shall be elected at such time and place as the commissioners who act shall direct, who shall hold their offices until the first Monday in May succeeding, and until their successors are elected and qualified.

Provisions of charter of Danville and Houstonville road made applicable.

§ 4. The provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved 1st of March, 1844, entitled "An act to incorporate the Danville and Houstonville turnpike road company," so far as the same are not changed by this act and are applicable, shall be the law governing the Monticello and Cumberland river turnpike road company: *Provided*, That notice for calls on stock or meetings under this charter shall not be published in any newspaper, but all such notices may be given by posting up advertisements.

§ 5. This act shall take effect from its passage.

Approved February 15, 1860.

CHAPTER 279.

1860.

AN ACT for the benefit of Nelson Millerd and wife, of the city of New York.

WHEREAS, It is represented to this General Assembly that a bond of the State of Kentucky for one thousand dollars, of the issue of February 21st, 1840, numbered 1,769, and signed J. Harlan, with the coupons of interest thereto attached, being the property of Margaret P. Millerd, wife of Nelson Millerd, of the city of New York, was, on or about the 22d day of July, 1858, stolen from the said Margaret P., and it is believed said bond has been destroyed; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the said Nelson Millerd and Margaret P. Millerd, his wife, executing bond with such security, resident in the State of Kentucky, as shall be approved by the commissioners of the sinking fund, conditioned to indemnify and save harmless the State of Kentucky from all loss or payments on account of said bond, and the interest coupons thereto attached, the said commissioners are hereby authorized to redeem said bond by paying to said Millerd and wife the principal thereof, together with the interest due thereon at the time of such redemption.

§ 2. That before any such redemption shall be made, said Millerd and wife shall file with said commissioners their petition, and the evidence of the loss, and their ownership of said bond; and no such redemption shall be made unless they are satisfied of the loss and ownership of said bond, as herein represented.

§ 3. That said commissioners may, if in their judgment they think proper, after payment of the interest due on said bond, issue to said Millerd and wife a certificate which shall not be assignable in law or equity, and which shall entitle them to receive the interest on said bond as it becomes due, and the principal when it becomes payable.

Approved February 15, 1860.

CHAPTER 280.

AN ACT to incorporate the Oxford and Newtown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name of the "Oxford and Newtown Turnpike Road Company," for the purpose of making a turnpike road from Oxford to where the Lexington and Newtown turnpike intersects the Georgetown and Paris turnpike, in Scott county.

Name and style.

1860.

Capital stock.

§ 2. That the capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the capital stock is more or less than is sufficient to accomplish the object of this act, then the president and directors may enlarge or diminish it to such an amount as may be necessary, and open subscriptions therefor in such manner as they may think proper.

Com'rs to open books.

§ 3. That the books for the subscription of stock in said company shall be opened on the third Saturday in March, or as soon thereafter as convenient, at the town of Oxford, under the direction of James McConnell, Dr. Joseph Barkley, John N. Glinn, John Collins, Jacob Price, and James H. Moore, or some two or more of them, who are appointed commissioners to procure subscriptions of stock to said company; and they shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Oxford and Newtown turnpike road the sum of fifty dollars for each share of stock taken by us in said company, agreeably to an act of the General Assembly incorporating said company, at such times and in such proportions as the president and directors may require. Witness our hands this — day of —, 18—." The commissioners, or a majority of those acting, shall give notice, by advertisement in a newspaper published in Georgetown, of the time and place of opening the books for the subscription of stock in said company, and that they will continue them open until the amount of stock is subscribed, or a sufficient amount for the completion of the road.

Notice of time & place of opening books.

Certain sections of another charter made applicable to this.

§ 4. That sections four, five, and six of an act, entitled "An act to incorporate the Stamping-Ground and Lecompt's run turnpike road company," approved February 16th, 1858, be, and the same are hereby, made part of this charter.

§ 5. That said company so formed shall have the rights, privileges, and immunities conferred, and be subject to all the restraints imposed, by chapter 103 of the Revised Statutes, except they shall not be required to make application to the county court of Scott county, or be governed by it as to routes or anything else, except as to writs of *ad quod damnum*.

When may erect gate.

§ 6. The president and directors shall be authorized to erect a gate at any point on said road, and collect toll of all persons using this road for the distance they may travel upon it, although the length of the road shall be less than five miles; but no gate shall be erected until said road is completed.

§ 7. This act to take effect from its passage; and the Legislature reserves the right to alter or amend this charter whenever it is deemed necessary.

1860.

Approved February 15, 1860.

CHAPTER 281.

AN ACT to amend the several acts in relation to the Barren county Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Barren county may subscribe for stock in the Barren county railroad, upon the following terms and conditions, to-wit: Upon the written application of the president and directors of said railroad and one hundred tax-payers in the first election district or precinct in said county, known as the Glasgow precinct, setting forth their desire that said subscription shall be made by the county court, and the number of shares of stock to be subscribed not to exceed four thousand, and requesting the question to be submitted to the qualified voters of said precinct.

Barren county court may subscribe st'k upon application.

§ 2. It shall be the duty of the county court to enter such written application at length upon the records of said court, and thereupon make an order, commanding the sheriff of said county, on the day named in said order, to open the polls at the voting place in said district and take the vote of the qualified voters in said district who may choose to vote upon the question, "Shall the county court subscribe for and in behalf of the tax-payers in said district the number of shares of stock proposed in the written application to the capital stock of the Barren county railroad company?" The judges and clerks of the elections for State and other officers shall attend at the place of voting in said district, and upon the failure of the sheriff or other officer to attend, those who do attend shall appoint and qualify others in their stead. At least twenty days' notice, in writing, shall be given by public advertisement on the court-house door, in Glasgow, by the sheriff, setting forth the object of said election, and the time when it shall be held.

To enter application upon records of court, & direct sheriff to open poll & take sense of qualified voters upon the same.

§ 3. The polls shall be kept open as required by the existing laws regulating other elections; and the poll books shall be certified by the officers of election, and returned to the office of the county clerk of Barren county, on the third day after the election.

How long poll to be kept open.

§ 4. It shall be the duty of the county judge, county court clerk, and sheriff of said county, or any two of them, on the fourth day after said election, to count the votes cast for and against the subscription; and if a majority of the

County judge, cl'k. and sheriff to count vote.

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votes given be in favor of the subscription, the judge of the county court shall subscribe for and on behalf of the taxpayers of said district the number of shares of stock stated in the written application of the court, to the capital stock of the Barren county railroad company.

County court
to levy ad va-
lorem tax.

§ 5. The said county court shall levy an ad valorem tax on all the property in said district, subject to taxation for revenue purposes, of not exceeding one per cent. per annum, until said subscription, including the cost of collection, shall be paid.

Who to collect

§ 6. It shall be the duty of the officers collecting the State revenue in Barren county to collect said tax, and pay the same over to the treasurer of the Barren county railroad company. The same commissions shall be allowed for the collection of said tax as is allowed for the collection of State revenue. The collector shall give to each tax-payer a receipt for the amount he, she, or they have paid, which said receipt shall be assignable.

Collector to
give receipts for
road tax.

When receipts
amounting to
\$25 are present-
ed to company,
they shall issue
to holder cer-
tificate of stock.

§ 7. Whenever the amount of said receipts shall make the sum of twenty-five dollars or more, and be presented to the president and directors of said company, they shall issue to the holder thereof a certificate of stock paid in, corresponding with the amount of said receipt, and such persons shall thereby become a stockholder in said road, and entitled to all the privileges of other stockholders.

May borrow
money on the
pledge of said
subscription.

§ 8. The president and directors of said Barren county railroad company may, in their discretion, and upon the pledge and faith of said subscription of stock, borrow money at a rate of interest not exceeding ten per cent. per annum, in order to facilitate the completion of said road.

Sheriff to give
bond before
commencing to
collect road
tax.

§ 9. That the sheriff of said county, before he begins the collection of said tax, shall give proper covenant, with good surety, to the Barren county court, to collect said tax according to law, and pay the same over as required by this act; and said sheriff shall have the same rights in the collection of said tax as he now has in the collection of State revenue.

Glasgow pre-
cinct not to be
diminished till
all tax is paid.

§ 10. The Glasgow precinct shall not be diminished from and after the passage of this act until all the tax, interest, and cost shall be paid off and discharged.

Vote may be
taken in other
precincts as to
preference of sub-
scribing stock.

§ 11. That any other election precinct in the county of Barren may have submitted to the qualified voters of said precinct a proposition to vote a tax on themselves, to be appropriated to the building of the Barren county railroad, whenever one hundred and fifty resident voters of said precinct shall make written application to the county court of said county, stating in said application the number of shares of stock that they desire to be subscribed on behalf of said precinct to the capital stock of the Barren county railroad company; the court shall enter said written ap-

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plication on the records of said court, and thereupon order an election to be held at the regular voting place in said precinct, on a day fixed in said order, which election shall, in all respects, be conducted and governed by the same rules and regulations as provided for in the election in the Glasgow precinct No. 1, in said county; and if a majority of the votes cast in said precinct at said election are in favor of said subscription of stock, the county court shall subscribe to the capital stock of said company the number of shares of stock stated in said written application for said precinct.

§ 12. That if any two or more precincts shall make written application to said court to vote jointly on said proposition, the court may order an election to be held jointly for that purpose; and if a majority of the votes cast are in favor of said subscription of stock, then the court shall subscribe for each of said precincts the number of shares of stock stated in their written application; and if, upon a comparison of the votes of said precincts thus voting jointly, it shall appear that any one or more of said precincts, or a majority of the votes cast therein, are in favor of said subscription, then the county court shall subscribe on behalf of said precinct or precincts the number of shares of stock stated in their respective written applications.

Two or more
precincts may
vote jointly.

§ 13. That each provision of this act relative to the holding of the election, return of the poll books, comparing the polls, the amount of tax assessed, and the collection thereof in the Glasgow precinct, shall apply to the other precincts in the county.

§ 14. This act shall take effect from and after the date of its passage.

Approved February 15, 1860.

CHAPTER 284.

AN ACT for the benefit of the M. E. Church, South, of Flemingsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may be lawful for the trustees of the Methodist Episcopal Church, south, of the town of Flemingsburg, to sell and convey the lot and parcel of land near said town, on which the old church was situate; and that the deed of said trustees shall pass the title to the same to their vendee.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1860.

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CHAPTER 285.

AN ACT prescribing the means and mode of opening and working roads in the counties of Henderson and Hopkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Court of claims to divide county into road districts, and appoint a surveyor for each.

§ 1. That the Henderson county court, at its regular court of claims in the year 1860, shall divide said county into not less than forty road districts, and appoint a surveyor for every district, who shall serve one year, and until his successor is appointed and qualified.

Assessor to list and value real property & state number white males between the ages of 16 & 45, in each district.

§ 2. The county court clerk shall give the assessor of said county a copy of the order making the road districts; and it shall be the duty of the assessor to list and value all the real property in every district, and state the white males over sixteen years of age and under forty-five years, and all male slaves and free males of color over sixteen years of age, separately, in a book to be furnished him by the county court, and which he must return to the court.

Number of districts may be decreased.

§ 3. The court may, from time to time, lessen or increase the number of road districts, and may change the boundaries of districts; and whenever an order for any such purpose is made, the clerk shall furnish the assessor with a copy of such order.

The court may levy a tax of not over 3 cents on the \$100, & a poll tax not exceeding \$1.

§ 4. The court shall levy a tax of not over three cents on the one hundred dollars' worth of property listed under this act, and a poll tax of not over one dollar upon every person listed under this act; which taxes shall be for the purposes of making, repairing, and keeping in repair the roads of said county; and said levy shall be made each year at the first term after the said book is returned.

When assessor to return book.

§ 5. The assessor shall return said book at the first term of said court after it is completed.

Land lying in two districts may be assessed in either.

§ 6. In assessing lands when the tract is not wholly in one district, it may be listed in any district in which part of it is situated.

The court may rule the assessor to return the book upon the suggestion that there has been unreasonable delay.

§ 7. The court shall rule the assessor to return the book upon the suggestion of the county attorney that there has been unreasonable delays, and may punish him for failure, as in cases of contempt.

Duty of clerk when book is returned.

§ 8. As soon as the books are returned and the levy made, the clerk shall make out a copy of the assessment for every district, and by it and the levy he shall make a statement of the amount of the road tax due from every person in every district, and the amount from every person who has property in a district and does not reside within it; and this copy and statement shall be given by the clerk to the sheriff, and by the sheriff to the surveyor.

Allowance to be made to assessor, clerk, & sheriff.

§ 9. At the first court of claims after the return of said book, a reasonable allowance shall be made to the assessor,

the clerk, and the sheriff, for their services, respectively, under this act.

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Duty of surveyors.

§ 10. It shall be the duty of every surveyor in every district to superintend the opening, repairing, and keeping in repair all of the public roads in his district under the direction of the county court; he shall collect the road taxes in his district, and if necessary, by action in his own name as surveyor; he shall notify all persons who may neglect to pay their road taxes in work, of the time he desires them to work, and of the place where he wishes the work to be done, by two days' written notice; and he shall, under oath, report twice a year to the county court what he has done as surveyor since his appointment or since his last report, which report shall show the amount of taxes received, the amounts expended for road purposes, and the names of delinquent tax-payers, and the amount due from them; he shall proceed to collect the amounts from such delinquent tax-payers by appropriate action. For a failure to perform any of the duties herein enjoined upon him, the surveyor shall be proceeded against by the presentment of a grand jury, and upon such presentment shall be fined by the circuit court in a sum not less than five nor more than twenty-five dollars.

Penalty for failure of duty.

§ 11. The surveyor shall not be required to permit any one to work out his tax otherwise than by furnishing good hands at one dollar and twenty-five cents per day to the hand.

Surveyor not required to permit any one to work out tax only on certain conditions.

§ 12. The papers furnished to the surveyor by the clerk under this act shall be evidence of the liability of any taxpayer in any action which the surveyor may cause to be brought against him for the amount of his tax.

Evidence of the liability of tax-payers.

§ 13. The surveyor shall be entitled to twenty-five dollars a year, or at that rate for his services under this act, to be allowed by the county court; and when allowed he may retain it, showing how he has retained it.

Pay of surveyor.

§ 14. Whereas, the property within the corporate limits of the city of Henderson is taxed for the purpose of keeping the streets of said city in repair, and for other improvements; therefore, this act shall in nowise apply to said city.

This act not to apply to the city of Henderson.

§ 15. This act shall not take effect until after a majority of all the qualified voters of Henderson county, residing outside of the limits of the city of Henderson, who may vote on the subject, shall vote in favor of it; and the county court of Henderson county shall cause a poll to be opened for and against this act at the August election in the present year, 1860, and a vote to be taken thereon, under the same rules and regulations, and subject to the same restrictions and penalties, as do exist by law in relation to the election of Representatives to the General Assembly. And the result of said vote shall be declared by the board

Not to take effect until a majority of voters decide in its favor.

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Provisions of
act to apply to
Hopkins co'ty.

of examiners who examine the polls at other elections held at the same time. And until this act takes effect, henceforth the general road laws of the Commonwealth are hereby declared to be in force and applicable to Henderson county: *Provided*, That the provisions of this act shall apply to the county of Hopkins.

Approved February 15, 1860.

CHAPTER 287.

AN ACT for the benefit of R. R. Bolling, late clerk of the Boyle county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be allowed to R. R. Bolling, late clerk of the Boyle county court, to collect and distrain for his fee bills as clerk aforesaid.

§ 2. This act to take effect from its passage.

Approved February 16, 1860.

CHAPTER 289.

AN ACT for the benefit of Thomas Harris, late Sheriff of Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Thomas Harris, late sheriff of Jessamine county, shall have the further time of two years, from and after the passage of this act, to collect all taxes and fees to him delivered or due before the expiration of his term of office, subject to the same liabilities, restrictions, and responsibilities, as are now imposed by law in such cases, and as though they were delivered or collected before the expiration of his term of office.

Approved February 17, 1860.

CHAPTER 290.

AN ACT to revise the laws relating to the Public Schools and Academy, of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fund set apart
for support of
schools & acad-
emy.

§ 1. That the following sections shall constitute the laws governing the public schools and academy of the city of Newport, and all other laws relating thereto are repealed: The following is hereby dedicated and set apart for the support of said schools and academy: First, the money arising from the common school funds of this Common-

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wealth, and distributable under the general law for the education of the children of said city, within the proper ages; second, all money collected from fines assessed by the mayor's or any justice's court held within said city; third, all money arising from taxes levied for licenses by the authority of said city; fourth, one third of all money collected for tithes assessed by the authority of said city; fifth, one fourth of all money arising from specific taxes, other than licenses and tithes, levied by the authority of said city; sixth, not less than ten nor more than fifteen cents on each one hundred dollars of valuation of the taxes on valuation levied and collected by the authority of said city; all subscriptions, gifts, grants, donations, and bequests for the purposes of public education in said city; and it is declared to be the duty of the several collecting, receiving, and accounting officers, into whose hands any of the money or other thing before named shall come, to pay the same over to such person, and at such time, and in such manner as the board of trustees and visitors of the public schools and academy of said city may direct.

§ 2. The board of trustees and visitors of the public schools and academy of the city of Newport, shall consist of six members, having the qualifications of housekeepers and voters, one, who shall be the president of the board, to be chosen by the qualified voters of said city, and the others, one by the qualified voters of each ward, at the municipal elections in said city; their term of office shall be two years, and until their successors are elected and qualified; but of those first elected after the passage of this act, three shall be selected by lot, whose term of office shall expire at the end of one year, so that in all future time three members shall be chosen annually; and the board has power to fill all vacancies occurring in its body.

Board of trustees & visitors, how chosen.

Term of office.

§ 3. The said board of trustees and visitors have the exclusive management and control of the affairs of the public schools and academy of the city of Newport, and can make rules for the government thereof not contrary to law. They shall cause the schools to be graded, and direct the different branches to be taught in each grade; and whenever the funds will justify, they may establish a high school for instruction in the academical branches of learning, and purchase the necessary apparatus therefor. They shall appoint and dismiss at pleasure all superintendents, professors, and teachers for said schools and academy; and shall annually appoint a board of examiners, to consist of not less than three nor more than five competent persons, whose duty it shall be to examine, touching their qualifications, all persons who may be applicants for places in said schools and academy as teachers or professors; and it shall not be lawful for the board of trustees and visitors

Powers and duties of trustees & visitors.

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to appoint any person as teacher or professor, until such person has passed an examination by said board, and has been certified to be qualified to teach the branches taught in the grade for which he or she may apply; and no certificate granted by the board of examiners shall continue in force longer than two years from its date.

Secretary and
treasures to be
appointed.

To fix compen-
sation.

Treasurer to
give bond.

School tax to
be levied an-
nually.

Money receiv'd
from State to
be applied ex-
clusively to tu-
ition.

§ 4. The said board of trustees and visitors shall annually choose a secretary and treasurer, and such other officers and employees as they may deem necessary; and may, from time to time, fix the compensation of all but the president, and may dismiss any of them at pleasure. They shall also, from time to time, fix the compensation of all superintendents, professors, and teachers in the public schools and academy of said city; but no member of the board of trustees and visitors shall, upon any pretense whatever, receive any compensation for his services as such, unless the same shall be fixed by the city council of said city, and paid out of the city treasury. They shall require and take of the treasurer covenant, with good surety for the faithful performance of his duties, and for the safe-keeping and disbursement, according to law, of the school funds which may come into his hands.

§ 5. The school taxes for the city of Newport, exclusive of those for licenses, shall be levied annually by the city council of said city, and shall be deducted from the city taxes levied for general city purposes; and the board of trustees and visitors may, in each year, after the assessments for city taxes have been completed, make a requisition on the city council for the levy of a tax on valuation for school purposes, not to exceed the maximum sum authorized by this act; and the city council shall levy the same in accordance with such requisition; and if no such requisition shall be made in any year, the city council shall levy such tax at the minimum rate fixed in this act. All money received from the school funds of this Commonwealth shall be appropriated exclusively for tuition; and out of the other money in the school treasury the said board of trustees and visitors may, in their discretion, make appropriations for buildings, furniture, apparatus, and ordinary expenditures for general school purposes, and may invest profitably any surplus on hand at the end of any scholastic year; but no money shall be drawn from the school treasury until appropriated by the said board of trustees and visitors.

Tuition to
all free white
children betw'n
6 and 18 years.

§ 6. It is hereby declared that the tuition in the public schools and academy of said city shall be free to all white children, resident of said city, between the ages of six and eighteen years; but the board of trustees and visitors shall, from time to time, make regulations for the admission of said children into the proper grades, according to

their progress in learning; and may, when it will not deprive those entitled thereto, admit others into the higher departments, fixing sums to be paid therefor into the school treasury; and they shall also have power to make regulations for the expulsion and suspension from said schools and academy of vicious, depraved, and ungovernable pupils; and they may authorize the granting of certificates and diplomas.

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§ 7. The public schools and academy of the city of Newport by that name is declared to be a corporation for the purposes in this act contained, with power to sue and be sued, and to make contracts within its proper sphere, and to receive donations and bequests, either of money, choses in action, or property, real and personal, for the purposes of education; and to sell and convey the same when necessary for said purposes—the said board of trustees and visitors being the managing agents of said corporation.

Created body politic and corporate.

§ 8. This act shall take effect from its passage; but the power of the said board of trustees and visitors to draw a requisition upon the city council, for a levy of more than ten cents on each hundred dollars of valuation, shall not be exercised unless it shall be approved of by a majority of the voters of the city, voting thereon at the next municipal election, when the question shall be submitted to them.

When act to take effect.

Approved February 15, 1860.

CHAPTER 293.

AN ACT to incorporate the town of Florence, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present corporate boundaries of the town of Florence, in Boone county, to-wit: beginning in Carpenter's field, at a stake; from thence north fifty-four and one fourth east, crossing the turnpike at seventeen poles to the course of Aylor's and Carpenter's; thence on the same course eighty-three poles, crossing Bank Lick street to Dennis Nead and Aaron Yager's course; thence with their line and Miles Marquis' north forty-six east twenty-one and one fourth poles to the line between Yager and Marquis; thence with same north twenty-six and one half west to the turnpike (at fifty-nine poles) seventy-four poles to a stake in a cornfield; thence south eighty-two and one half, west thirty-six poles to a stake, near a bar-post of Souther's field; thence south eighty-eight tenths, west fifty-three poles, to Florence and Dry creek road; thence with the same south forty-six, west sixty-four and three fourth poles,

Boundary of town.

1860.

Created body
politic and cor-
porate, and cor-
porate powers.

and opposite to Aydelotte's corner; thence south forty-seven and one half east, crossing the Burlington road and into John Stephens' field, and crossing the Union turnpike and in Carpenter's woods, to the beginning, at one hundred and seventeen poles, containing ninety-five acres, shall hereafter constitute the corporate limits of the town of Florence; and the inhabitants thereof are hereby created a body corporate, and politic, with perpetual succession, by the name and style of the town of Florence; and in that name may contract and be contracted with, sue and be sued, in all courts and places whatsoever, and may use a corporate seal, and the same to alter and renew at pleasure.

§ 2. The said town shall have, and is hereby vested with, all the rights, titles, interests, privileges, power, and authority which were vested in, possessed, and held by the original trustees of Florence and their successors.

Officers of
town.

§ 3. The officers of said corporation shall be as follows: five trustees, one of their number shall be elected chairman for the town of Florence, a police judge, marshal, assessor, treasurer, and attorney, all of whom shall be elected at the charter election by the qualified voters of the town of Florence, except the police judge and marshal; and shall also consist of a town clerk, and such other officers as the town trustees shall, from time to time, create or establish; and the clerk, and all other officers whose offices are created by ordinance, shall be filled by appointment by said trustees. The officers elected or appointed shall be subject to removal by the trustees whenever they shall deem the interest of the town requires it, except the trustees and police judge shall not be removed. The town trustees shall have power by appointment to fill all vacancies that shall occur in any of the offices over which they have power of removal; and when vacancies shall occur in any of the other offices, the trustees shall order an election to fill the vacancy.

May be re-
moved.

Vacancies—
how filled.

When charter
election to be
held.

§ 4. The charter election of said town shall be held on the first Saturday in January in each year, except the first election after the passage of this act, which shall be held the first Saturday, or as soon after as sufficient notice can be given after the passage of this act. All the elective officers shall be elected; and the free white male citizens of the State, of the age of twenty-one years or upwards, who have resided in the county of Boone one year, and in the corporation of said town sixty days, shall be entitled to vote at said election. The officers shall hold their offices as follows: the trustees of said town, assessor, clerk, treasurer, attorney, one year; marshal two years; police judge four years. No person shall be eligible to a seat as trustee of the town until he shall [have] arrived at the age of twenty-five years, be a citizen of this State, and shall have resided in said town for three years next preceding the election.

Term of office.

§ 5. If, from any cause, the charter election shall not be held on the first Saturday of January, the corporation shall not thereby be dissolved; but the trustees in office shall order an election to be held at such time as they shall deem proper, as soon after the regular day as circumstances will admit. The trustees shall prescribe the hours between which it shall be holden, and the place, and appoint two inspectors to superintend the election, who shall be qualified voters, and shall, under oath, make their returns to the town clerk, who shall lay the same before the trustees, and carefully preserve the said returns as records in his office. The trustees shall be the exclusive judges of the qualifications of all the officers, candidates, and returns of the inspectors; and if from any cause the officers returned elected shall not be deemed elected or eligible, or an election shall fail of any particular officer, the trustees may order a new one to fill the vacancy, as provided in section third. All elections shall be determined by a plurality of votes; and all officers elected or appointed shall reside in said town, and a removal from it shall vacate their office, or three months' continued absence.

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Corporation not to be dissolved if election is not held at time specified.

Trustees to be judges of qualifications of officers.

Elections to be determined by plurality vote.

§ 6. That the trustees shall have power to purchase, hold, sell, and convey real estate within or without the corporate limits, such as shall be deemed necessary for town purposes; also personal property and stock in corporate companies, and may receive conveyances of ground for the purpose of opening, widening, or extending any street, lane, alley, common, space, square, or for any other purpose, and donations and subscriptions in money or property, to be applied for such purposes.

May purchase and hold real estate.

ARTICLE II.

§ 1. The legislative power and authority of said corporation, together with the municipal fiscal concerns and affairs thereof, shall be vested in the trustees of the town, who shall meet together and form one board, under the denomination of the town council of Florence. A majority of all the members, including the chairman, shall constitute a quorum to do business; and in the election or appointment of officers, passing ordinances, removing officers, and appropriating money, a majority of the whole shall concur. They shall hold their regular meetings once in four weeks, in some public place provided for that purpose, and their deliberations shall be public.

Trustees to govern town.

Quorum.

Regular meetings.

§ 2. The council shall keep a journal of their proceedings, determine their own rules, compel the attendance of members, may punish them for disorderly conduct, and expel a member by a vote of two thirds of all the members elect, after five days' notice, specifying the charges, and allowing him an opportunity of being heard in defense.

Shall keep journal, & compel attendance of members.

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When to enter
upon discharge
of duties.

To take oath.

May pass ordi-
nances, &c.

May affix pen-
alties for viola-
tion of ordi-
nances.

All ordinances
to be made pub-
lic.

May cause
streets & alleys
to be paved.

§ 3. The council shall enter upon office and begin the discharge of their duties on the Thursday succeeding the first Saturday in January, in the year in which they shall be elected; and before they shall commence the duties of their office, shall each be sworn to support the constitution of the United States, the constitution of Kentucky, and that they will well and truly discharge the duties of their respective offices as members of the council of said town, which oath may be administered by the police judge of said town, or by any other person having lawful authority, by the laws of the Commonwealth, to administer oaths; and a record shall be made on the records of the council, that it may be duly administered.

§ 4. The council shall have power to pass all needful by-laws and ordinances for the due and effectual administration of right and justice in said town, within the town and jurisdiction of the police court; and for the better government thereof, they may legislate upon all subjects which the good government of said town shall require, unless restrained by the terms of this charter or the constitution and laws of this State. They may affix such penalties for a violation of such ordinances, not exceeding ten dollars, as they may deem the good order and welfare of the town shall require. All ordinances passed by the council, and all their proceedings in council, shall be printed in a newspaper or posted in five of the most public places of said town.

§ 5. The council shall have full power and authority to cause and procure all the streets and alleys, market spaces and lanes in said town to be graded and paved, macadamized or turnpiked, at the expense and cost of the owners of lots fronting on such streets or alleys; and a petition in writing to the said council, of the owner or owners of the larger part of the ground between the points to be improved, fronting on any street or alley, public square, &c., shall be sufficient to authorize the council to contract for the grading and paving, macadamizing, or turnpiking the same; and when the grading, paving, or turnpiking shall be completed, the council shall apportion the cost and expenses equally on the lot owners according to the feet front; and a lien is hereby given on the lots or parts of lots for the same, which costs and expenses may be listed and collected as other taxes are by the town collector, or any special collector, who shall have authority to sell and convey the lots, or parts of lots for the same, according to such by-laws and regulations as shall be adopted by the council: *Provided, however,* That the owners of any lots or parts of a lot sold for the payment of the cost and expenses of such grading, paving, macadamizing, or turnpiking as aforesaid, who has not consented in writing for that pur-

1860.

pose, shall be allowed five years to redeem the same, by paying to the purchaser of said lot or part of a lot, so sold as aforesaid, the purchase money, with fifty per centum interest per annum, and ten per centum interest on all the taxes and levies that may have subsequently accrued; and those who may have consented in writing; may redeem at any time within one year, on payment of the like interest: *Provided*, That infants, *femes covert*, and persons of unsound mind, shall have one year to redeem on like terms after their respective disabilities shall be removed: *Provided*, The council shall, by a vote of a majority, have power to pay for the grading of the streets out of the town treasury: *Provided*, That nothing in this act shall be so construed as to impair or destroy any legal right that any *feme covert* or infant may now have or may hereafter acquire.

§ 6. The council shall have power and authority to cause and procure the sidewalks in said town to be graded and curbed and paved with stone or brick, and to apportion the cost and expenses among the owners of lots fronting or bounding thereon; and a lien is hereby given on the said lots to secure the payment of said costs and expenses, to attach from the time the work is ordered to be put under contract: *Provided*, The owners do not have the work done in the manner and within the time prescribed. The council shall have the like power to cause and procure the streets and alleys now established, or hereafter to be established within said town, to be filled, leveled, and graded, for the purpose of carrying off the water, or preparatory to paving or turnpiking, at the costs and expenses of the owners of the lots fronting or bounding thereon, and a like lien is hereby given and allowed on said lots and parts of lots to secure the payment of said costs and expenses; and the costs and expenses accruing under the provisions of this section shall be listed and collected in like manner as those for paving and turnpiking; and the collector shall have like authority to sell and convey the same as is provided for in the foregoing section.

May cause
sidewalks to be
paved.

§ 7. Whenever at any time the streets, alleys, or sidewalks of said town shall be out of repair, the said council shall have power to order and direct the same to be repaired at the expense of owners of lots opposite the places where the repairs shall be necessary; and the same lien shall attach; the costs and expenses thereof shall be collected in like manner as is provided in the foregoing section.

May cause
sidewalks, &c.,
to be repaired.

§ 8. The council shall have power to prescribe by ordinance the duties of the officers appointed by them, requiring bond and security for the faithful performance of their duties from such of them as they may think proper; and all officers of their appointment shall be removable at their pleasure for good cause.

May prescribe
duties of officers,
and take
bond.

1860.

May appoint
board of health
and health off-
icers.

May provide
pest house.

To cause work
house, &c., to
be erected.

Who to be con-
fined in same.

May prohibit
hogs, &c., from
running in the
streets.

May suppress
tippling houses,
&c.

§ 9. The council shall have power to pass such ordinances as may be necessary to protect the town from all malignant and contagious diseases, and may for that purpose appoint a board of health and confer on it all necessary power whenever, in their judgment, the interest and safety of the inhabitants of the town may render it necessary and proper, and they may, in their discretion, appoint a health officer for the town and define his powers and duties by ordinance; and they shall provide a pest-house in which they may have persons placed who are infected with contagious or malignant diseases, subject to such regulations as they may prescribe.

§ 10. The council shall also have power, and it shall be their duty to erect or procure a suitable building or buildings for a watch-house, a work-house, a house of correction, to be regulated and managed by suitable persons to be appointed by the council for that purpose; and in apartments distinct from those for the infirm and indigent, provisions shall be made for confining common beggars, vagrants, and such other persons as may be sentenced for short periods of confinements by justices of the peace within the town, or by the police court for breach of the peace or other petty offenses, where they shall be employed in such labor, and made to perform such tasks, as shall be directed by ordinance of the council in such cases made and provided, and which ordinances they shall have power to pass. Persons committed to the work-house shall be sent there and received by virtue of warrants from the police court or justices, as the case may be, and discharged by the overseers of the work-house at the expiration of the time for which they were sentenced: *Provided*, That the length of time of confinement shall be specified in the warrant of commitment.

§ 11. The council shall have power, whenever the public convenience and comfort require it, to prohibit hogs, cattle, horses, and other animals, from running at large in the streets, lanes, alleys, commons, and other public places in the town; and to require and compel the abatement of all nuisances within the town, under such regulations and in such manner as may be prescribed by ordinance.

§ 12. The council shall have power to provide, by ordinance, for the suppression of tippling-houses, bawdy-houses, and those of ill-fame, gambling-houses, and such other houses as are the common resort of idle, dissolute, and disorderly persons; to prohibit all retailers of spirituous liquors without license, by imposing adequate penalties on those who shall retail such liquors without license; and to punish, by imposing similar penalties, all riots, disorders, and clamors in the streets and public places, breaches of the peace, and disturbances of the public tranquility, and indecent and licentious conduct.

ARTICLE III—*Of Town Marshal and other Town Officers.*

1860.

§ 1. There shall be a marshal, whose qualifications shall be the same as those of a sheriff, elected at the same time and in the same manner, and hold his office for the same term, as the sheriff, and shall be liable to removal in the same manner. Before he enters upon the duties of his office, he shall take an oath faithfully and impartially to discharge the duties of said office, and shall give bond, with approved security, in a sum not exceeding two thousand dollars, conditioned faithfully to discharge the duties of said office. He shall have full power, within the county of Boone, to serve all processes and precepts directed to him by the police court, and all processes and precepts directed to him by any officer of the Commonwealth, and make due returns thereof. He shall be a conservator of the peace, and may, and shall, on his own view, or on reliable information of others, arrest all persons, all rioters, guilty of disorderly conduct, and shall safely keep said persons, by confinement in the jail of the town or otherwise, until such persons can be conveniently brought before the police judge, or justice of the peace, for examination and trial. He shall be entitled to a fee of one dollar for serving a peace warrant, a warrant for riot, rout, affray, or breach of the peace, and for all warrants where fines are assessed by a jury, before a police judge. He shall be entitled to the same fees that constables and sheriffs are for all other processes placed in his hands, whether civil or criminal. He shall collect all executions and final processes placed in his hands for collection, in the same manner constables are required by law to do. He may be collector of the town taxes. He shall be subject to the same proceedings and liable to the same penalties that sheriffs and constables are in like cases, for the non-performance of any duty imposed by this act.

§ 2. There shall be a town treasurer, who shall be elected by the qualified electors of the town, at the time and place of electing members of the town council, and shall hold his office one year. Before entering upon the discharge of the duties of his office, he shall give bond to the said town, in such form and amount, and with such securities, as the council may direct and approve; which bond shall be filed with the town clerk. It shall be his duty to receive all moneys of the town; but he shall not pay out or expend the same in anywise except upon the order of the council, which order shall specify for what purpose the same is to be paid. He shall, at all times, have and keep a careful and correct account of all receipts and expenditures of the treasury the council may direct—which account shall always be open to the inspection and examination of council or its proper committee—and shall report

Marshal to be elected.

To give bond and take oath.

His powers & duties.

Town treasurer.

To give bond.

His duties, &c.

1860

Compensation.

May be removed.

Commissioner of streets—his duties.

the amount of moneys in the treasury to the council at the first meeting in each month; and he shall exhibit to the council, on the 15th day of December in each year, a full statement of the receipts and expenditures of the town since his last annual report, and of the state and condition for the time being of the treasury and fiscal concerns of the town. He shall receive for his services such compensation or salary as may be provided by ordinance. He may be removed from office for good cause. The council shall have power to supply the vacancy occasioned by his removal from office, death, resignation, absence from the State, or other cause.

§ 3. There shall be one commissioner of streets. It shall be his duty, subject to the direction of the council, and in conformity with the ordinance of the town, to enforce all ordinances and regulations relating to the cleaning of the streets; and generally to perform all such duties and exercise all such powers as the council may ordain; and for his services shall receive a compensation to be fixed and regulated by the council.

ARTICLE IV—Of Taxation.

May assess & collect tax on real estate in said town.

Shall make list of taxable inhabitants in said town.

§ 1. The town council shall have power to assess and collect taxes on such real and personal estate in said town as they may designate, not exceeding forty cents on each one hundred dollars valuation for revenue purposes, and one dollar and fifty cents for each tithe; but such taxes shall be uniform on every description of property assessed by them: *Provided*, Buildings for churches, public school-houses, colleges, and the grounds attached thereto, and dedicated solely for the use thereof, cemeteries, and machinery, shall be exempt from taxation. They shall take in and make a list of all taxable inhabitants within said town, separately, and affix against the name of each inhabitant the amount of his, her, or their real estate in said town, with a proper description by number or situation, and also the true and just value of such real estate, together with the personal estate of each of said inhabitant, whether it shall consist of goods, stocks, manufactures, or other property, that may be designated for taxation by the council; which list may be required to be made out by the party, verified by his or her oath; or, if the party refuses to give in a list and swear to the same, the value shall be assessed by the assessor, from the best information he may possess. The compensation of the assessor shall be fixed by the council, so that it shall not exceed six cents per list.

When book containing assessment to be returned to council.

§ 2. The books of assessment for the revenue taxes of said town shall, hereafter, be returned to the town council by the assessor, on or before the 15th day of March in each year; and immediately after the said assessment shall be

1860.

Clerk to make list and furnish same to treasurer.

Treasurer to give notice that tax lists are in his hands, and taxes, how collected.

received and approved by the board, the town clerk shall make out a tax bill against each person assessed with taxes, specifying therein each item of taxation, the value thereof, and the tax imposed; and where taxes are levied upon property belonging to persons unknown, then a separate bill shall be made out for each species of property taxed, all of which shall be signed by the clerk officially, and shall be delivered by him to the town treasurer within thirty days after the same are ordered to be made out by said board, taking the receipts of the treasurer for the gross amount of taxes contained in said bills; the treasurer, upon receiving such bills, shall give public notice in the newspapers of the town, or by posting up notices in five of the most public places of said town, that the tax bills for the taxes of the current year are in his hands, and that payment of the taxes is required to be made on or before the first day of July thereafter, after which period there shall be added fifteen per centum to the taxes contained in the tax bills then unpaid; the treasurer shall deliver the tax bill to the person paying the tax, indorsing thereon: "Received pay," and sign his name officially to the receipt. Within five days after the said first of June, the treasurer shall indorse the remaining tax bills, if any in his hands: "Delinquents," sign his name as aforesaid, and return them to the town clerk, who shall thereupon enter a credit for the same upon the treasurer's receipt, and immediately add to said tax bills fifteen per centum, and place the same into the hands of the collector of the town for collection, taking a receipt for the amount thereof. Upon the reception of the said bills, the collector shall forthwith proceed to the collection of the taxes therein specified, from the person or persons owing the same, and for that purpose he shall be, and is hereby, authorized to distrain upon all personal property which he may find in said town belonging to the delinquent, or so much as may be necessary to pay the amount of taxes due, the per centum and the costs, and dispose of the same by sale, in the manner that sheriffs are authorized to do in collecting the county levy, and on personal property exempt from said distress; in case no personal property can be found by the collector, he shall then proceed to advertise and sell the real estate of the delinquent, in the manner that sheriffs are authorized to do in advertising and selling real estate by virtue of an execution, except that there be no valuation; and the estate shall be sold in public in said town, and within six days thereafter the collector shall make a full return of said sale, specifying therein a proper description of the property, the names of the owners when known, and purchasers, the amount sold, and when sold, together with a copy of the advertisement, to the town clerk, who shall record

1860.

How owners
may redeem
property sold
for taxes.

the same in a book kept for that purpose, and file away and carefully preserve the said proceedings among the papers of his office. The owners may have a right to redeem the real estate which may be thus sold by the collector, at any time within three years, by paying or tendering to the purchaser the amount of his purchase money, together with all the taxes and levies which may have been subsequently levied thereon, and fifty per centum, and after the first year fifty per centum per annum; and when the purchaser shall not be a resident of the town, or cannot be found, it shall be lawful for the town treasurer to receive the money for which the estate proposed to be redeemed was sold, adding the per cent. assessed thereon, which shall be effectual in redeeming the property as if it had been paid to the purchaser; upon the production of the certificate of sale by the purchaser or his assigns, the treasurer shall pay over the said money to him, taking a receipt for the same on the back thereof, which shall be handed over to the town clerk, to be recorded in the same book in which the sales are recorded. The collector or his successor shall make the deed to the purchaser of any real estate sold for the taxes, which shall pass the title thereto, unless the same shall have been redeemed; for such deed he shall be allowed two dollars, to be paid by the purchaser. For the collection of taxes the collector shall be allowed seven per centum, to be paid by the town, and twenty-five cents for each levy on personal property, and twenty-five cents for each certificate of sale of real estate, both fees to be taxed as costs, and added to the tax bills. For insuring the payment of the taxes of said town, a lien shall exist, and is hereby given, upon all property assessed, real and personal, from the first day of January in each year until payment thereof, which shall not be invalidated or affected by subsequent incumbrance, transfers, or sales.

Duty of collector.

§ 3. It shall be the duty of the collector to pay over the taxes, as fast as collected, to the treasurer, and to make full returns of said taxes to, and settlement thereof with, the council, on or before the first Monday of August in each year. He shall make out a list of such persons and property as he finds, after due efforts to collect the taxes, they cannot be collected from, and return the same upon oath to the council, which shall exempt him from all liability for failing to collect the same, provided that said delinquent list shall be made out by him, and returned after the 15th of July, and before the said first Monday in August.

Penalty upon
collector for
failing to dis-
charge duties.

§ 4. If the collector shall fail to make return and settlement, as aforesaid, of all the taxes which are in his hands on or before the said first Monday in August, he and his sureties shall be liable, severally as well as jointly, to judgment upon motion in the police court of said town, for the

1860.

amount of taxes in said tax bills contained, which shall not have been paid over to the treasurer, and which remains unaccounted for to the council, together with ten per centum damages thereon; and within ten days after the rendition of said judgment, if the same shall not sooner be paid, the police judge shall issue execution against the estate of the collector and his sureties, or those against whom the judgment shall be rendered, directed to the sheriff of Boone county, or any other county, who shall proceed thereon in the same manner, and be liable to the same penalties, as if the execution had issued from the clerk's office of the circuit court. The said execution shall be indorsed "no security of any kind to be taken," and the sheriff shall be governed accordingly. There shall be no valuation of property levied upon by said execution, such as is now provided by law in other cases. Ten days' notice shall be given to the collector, or any of his sureties; the same may abate as to him or them; or it may be continued to any particular day for service; and so from time to time; and when fully served, then the suit shall proceed against all. The right to appeal or prosecute a writ of error from said judgment is hereby allowed to the parties, to the Boone circuit court, as in other cases from the police court; and the aggrieved party may also prosecute an appeal or writ of error to the court of appeals, in the same manner, and subject to the same damages and costs, as is provided by law in other cases.

§ 5. Deputy collectors shall have the same powers to act in any case, or to perform any duty appertaining to the office as their principal, the principal collector being liable for the acts and doings of his deputies in the same manner, and subject to the same action, as though he had himself acted in person.

Power & duties of deputy collectors.

§ 6. If the collector shall fail to pay over to the town treasurer any money in his hands belonging to said town, whether received for taxes, fines, forfeitures, dues, debts, or any other account, for the space of ten days after receiving the same, he and his sureties, or any or either one or more of them, may be proceeded against for the amount by motion in the police court, in like manner as is provided in section four.

Collector may be proceeded against for failing to pay over in ten days.

§ 7. If the assessor, clerk, or treasurer shall fail to do the duty herein assigned to them, at the respective times directed, without good cause shown, they shall severally forfeit and pay five dollars for every day they shall remain delinquent, to be recovered by suit in the police court for the use of the town.

Penalty on officers for failing to perform duty.

§ 8. The council shall also have power to provide for the taxing of any store, grocery, or any retail establishment which may be commenced or opened at any time subse-

May tax stores, groceries, &c.

1860.

quent to the day fixed for the annual assessment, or which may have been omitted in such annual assessments, as also all peddlers, except peddlers of bread. They shall also have power to tax auctioneers in said town, (in addition to the taxes imposed by law,) not exceeding one fourth of one per centum upon all public sales of goods, wares, and merchandise, not the produce or manufactory of Kentucky, and to require them to take out license, with such requisitions and restrictions as may be necessary to enforce said tax; but no tax shall be required upon the sales of estates decedents, or of property sold under executions or decrees.

Have exclusive
right to license
taverns, &c.

§ 9. The council shall also have the power to tax and the exclusive right to license, within said town, all taverns, houses of private entertainment, coffee-houses, retailers, victualers, confectioners, houses of public resort, and ten-pin alleys; houses of ill-fame and for gambling excepted: *Provided*, That the State tax on retailers and ten-pin alleys or bowling-alleys, shall be paid over to the clerk of the Boone county court, in the same manner that tax on tavern license is directed to be paid.

May tax brokers' offices, &c.

§ 10. The council shall have the power to license and tax all exchange, loan, and brokers' offices, agencies of insurance offices, pawnbrokers, and hucksters; also to license, tax, and regulate all carts, wagons, drays, hackney coaches, carriages, and other vehicles kept and used for hire in said town; and the sale of horses, cattle, and other animals at auction.

May tax dogs, &c.

§ 11. They shall also have power to tax dogs or other domestic animals in any sum not exceeding ten dollars on each dog or other domestic animals.

May tax all kinds of exhibitions.

§ 12. They shall also have the exclusive power to tax and license all shows, exhibitions, theatrical performances, lectures, concerts, and all places of public amusement, where money is charged for admission to the same, such sums as the council shall deem proper: *Provided*, That lectures of resident professors shall not be taxed.

ARTICLE VI—Judicial Department.

When police judge to be elected, and vacancies, how filled.

To reside within said town.

To take oath.

§ 1. The police judge shall be elected by the qualified voters of the town of Florence at the same time that the county court judge is elected; and when vacancies occur, by death or otherwise, they shall be filled by election for the remainder of the time. The first election may take place at the charter election for town trustees after the passage of this act. The police judge shall reside within the corporate limits of the town, and shall hold his office until his successor is qualified. And before he enters upon the duties of his office, he shall take an oath before some judicial officer to discharge the duties of his office faithfully and impartially, without favor or affection, to the best of his ability.

1860.

His jurisdiction.

§ 2. The said police judge shall have jurisdiction of all misdemeanors and all causes, civil, criminal, or penal, in which justices of the peace have within the county of Boone, if the offense is committed in said town; and in criminal or penal cases he shall have the jurisdiction conferred by law upon two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such cases: *Provided*, The offense occurs within the corporate limits of said town.

He may require bail, &c.

§ 3. He shall have full authority to require bail and receive acknowledgments and execution of recognizances of bail in all cases originating before him in which bail is or may by law be hereafter required.

His further power & duties.

§ 4. He shall be a conservator of the peace, and may and shall, on his own view, or on reliable information on oath of another, issue a warrant for the apprehension of all persons guilty of affrays, assaults and batteries, riots, routs, breaches of the peace, and unlawful assemblies; all cases of indecent or immoral behavior or conduct calculated to disturb the peace and dignity of the town. Said police judge shall have jurisdiction over all the above causes, and of all cases of drunkenness, profane swearing, running horses, firing guns, pistols, making reports by burning powder or crackers, blowing of horns, ringing bells, crying aloud by day or by night, and all other riotous or illegal and improper conduct whatever, if occurring within said town; all of which are hereby declared to be misdemeanors.

Further powers and duties.

§ 5. He shall have jurisdiction of all offenses and causes arising out of the by-laws and ordinances passed by the council for the enforcement of the power granted to them by law. He shall have power to impose fines in all cases of misdemeanors to the amount of sixteen dollars, without the intervention of a jury. He shall have the right to imprison the person so fined in the jail of the town until the same is paid, by imprisonment, at the rate of two dollars per day. He shall have the power, without the intervention of a jury, to fine and imprison for contempt: *Provided*, The fine does not exceed ten dollars or the imprisonment twelve hours.

May take depositions.

§ 6. He shall have power to take depositions and certify the same as justices of the peace and examiners now or may hereafter have, and his certificate to such deposition shall have the same effect as though made by a justice of the peace.

§ 7. He shall have full power to grant injunctions, restraining orders, and writs of *habeas corpus*, and administer oaths in all cases wherein, by existing laws, that justices of the peace are required or authorized so to do.

May grant injunctions, restraining orders, &c.

1860.

To keep record of proceedings, and certified copy to be taken as evidence.

Jurisdiction not to exceed \$50.

Process to be issued in name of Com'th, and to whom directed.

To have regular terms of court.

His fees.

Said court to have exclusive jurisdiction, where council may proceed to condemn lands, &c.

§ 8. He shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice. He shall, in all other matters not herein mentioned, have concurrent jurisdiction with justices of the peace, and shall be governed by the same laws and regulations. All trials before said police judge shall be had and held in the town of Florence, Boone county, Kentucky.

§ 9. Said police judge may have jurisdiction in civil causes of all sums up to fifty dollars. Said police judge shall issue his process in the name of the Commonwealth, as other warrants are, except otherwise provided for in this act, and make them returnable before himself as police judge of the town of Florence; but not so as to compel a defendant to go out of his district without his consent. The same shall be directed to the marshal, sheriff, or any constable of Boone county, and shall be executed and returned by the officer in whose hands the same is placed, under the same penalties as other processes from justices of the peace are: *Provided, however,* That when any prosecution is instituted and carried on at the instance of the council, the warrant shall state that it is so issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, said council shall be liable for costs.

§ 10. The police judge shall hold a regular term of his court for the trial of civil causes, on the first Saturday in each month after his qualification; and his court shall be open at all times for the trial of misdemeanors and other riotous assemblies.

§ 11. The police judge shall be entitled to a fee of one half dollar for a peace warrant or a warrant for a riot, rout, or a breach of the peace, unlawful assemblies, affrays, or misdemeanors, or any breach of the laws in relation to the town. He shall be allowed fifty cents for all injunctions, restraining orders against absent defendants, and writs of *habeas corpus*, respectively; he shall be entitled to a fee of twenty-five cents for all orders of sale, twelve cents for a subpoena, fifteen cents for a certificate; and in all other cases his fee shall be the same as those of a justice of the peace for like services.

§ 12. The said court shall have exclusive original jurisdiction in all cases where the town council shall proceed to condemn lands or materials for the opening, extending, and widening streets, commons, market spaces, public squares, &c., in said town; and shall have power and authority to award the writ of *ad quod damnum*, and adjudicate upon the same. Whenever the town council shall intend and determine to condemn land and materials in said town for purposes aforesaid, the council shall direct a peti-

tion in the name of the town to be filed in said court, setting forth a particular description of the land or materials in said town to be condemned, for what purpose, and the name of the owner or owners thereof; upon the filing of which the court shall award the summons to the proprietors, if living in the town or county, and if in the country, to the sheriff; and when the proprietor shall not live in the town or county, then notice to his or her agent shall be given, if he have one known to the authorities as such; or an order of warning shall be entered up by said court against him or them, and a copy of which shall be advertised for at least two weeks in some newspaper, or posted up in five of the most public places of the town. Upon the process being executed, or order of warning published, as aforesaid, the court shall, if any owner of the land or materials require it, award a writ of *ad quod damnum*, directed to the town marshal, who shall summons twelve lawful jurors of the Commonwealth to appear before the said court on the day fixed in the writ, at which time also the owners requiring it shall proceed to prove, by competent testimony, the damages which he or they will sustain by the condemnation prayed for; and the jury shall assess the amount which they shall deem right, taking into consideration the advantages and disadvantages which the owners may derive from the condemning of his land or materials, and the court shall render judgment against the town therefor, unless the town shall give notice to the court in thirty days that the opening of the streets is abandoned; in which case judgment shall only be rendered against the town for costs. The parties shall have the right of challenge as in civil cases, and the panel shall be filled from bystanders. The court shall rule all questions of law arising upon the trial, and may grant a continuance to a particular day, from time to time, upon good cause shown, and may award a new trial. Should the town or owner be dissatisfied with the verdict and judgment, an appeal may be taken to the circuit court, when it shall be tried *de novo*, from whence the cause may be taken to the appellate court, as other civil causes are taken.

§ 13. The said court shall always be open for the trial of criminal or penal causes and hearing complaints, and may set causes for any particular day, and make processes returnable at any day therein named, (or forthwith when the nature of the case may require it.)

§ 14. Fines for disturbing religious worship, riots, routs, unlawful assemblies, and breaches of the peace, may be assessed by a jury in said court to one hundred dollars; and all fines assessed in said court, and by justices of the peace in said town, shall be for the use of said town, as also all forfeitures and penalties recovered on recognizances and penal bonds taken in the police court.

1860.

How land may
be condemned.

Court shall be
open at all time
for the trial of
criminal and
penal cases.

Fines to be
assessed by jury
not to exceed
\$100.

1860.

Appeals may
be taken.

§ 15. Appeals from the police court to the circuit court shall be allowed in all cases where the same jurisdiction is exercised as by justices of the peace, and when appeals would lie from justices; and also in all civil causes, the same as from the jurisdiction of a justice of the peace.

ARTICLE VII—*President of the Council.*

President of
council to be
chief executive
officer of town.

§ 1. The chairman or president of the council shall be the chief executive officer of the town, and it shall be his duty to take care that the by-laws and ordinances of the town be duly executed and enforced.

His duties.

§ 2. He shall keep the public seal of the town, and shall, from time to time, communicate to the council such information, and recommend such measures, as in his opinion may tend to the improvement of the finances, police, health, cleanliness, comfort, and ornament of said town.

To preside at
all meetings of
council, &c.

§ 3. He shall preside at the deliberations of the board, sign the journal of the proceedings, all orders, bonds, contracts, and conveyances in behalf of said town, when directed by the council; and during the absence or inability of the president, the council shall appoint one of their own body president *pro tempore*, who shall perform the duties of president until the president shall resume his office: *Provided*, The legislature reserves the power to change or repeal this act at any time.

Approved February 17, 1860.

CHAPTER 294.

AN ACT to incorporate and establish a Police Court in the town of Feliciana, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may
grant coffee-
house license.

§ 1. That from and after the passage of this act, the trustees of the town of Feliciana shall have power and authority to grant coffee-house license, and tax the same in a sum of not less than twenty-five nor more than one hundred dollars; and it shall be the duty of said trustees, as soon after the passage of this act as may be, to fix the amount of tax as aforesaid, by an order on the records of said town; and on the 1st day of January of each year thereafter they shall fix the same again, which shall be the tax for the ensuing year; and upon presentation and payment of the tax so fixed, by any person or persons, a license to keep a coffee-house for one year shall be issued, signed by the chairman and countersigned by the clerk of the board: *Provided*, That on granting such license the applicant or applicants shall take an oath before the police judge of said town that he will not, during the period his license

Applicant to
take oath that
he will not fur-
nish slaves li-
quor.

1860.

remains in force, sell or give, or cause to be sold or given, to any slave of which he is not the owner and possessor, or which is not in his employ by contract with the person having the rightful authority to hire the slave, any wine, brandy, whisky, or other spirituous liquor, or mixture thereof, without an order in writing from the person owning or having authority over such slave for the time being; and for a violation of such oath the offender shall be subject to all the penalties prescribed by law.

§ 2. That a police court be, and the same is hereby, established in the town of Feliciana, in Graves county; which court shall consist of a judge and marshal, who shall be elected by the qualified voters of said town, and at the same time, and in the same manner, that the trustees of said town are hereafter to be elected.

Judge & marshal to be elected.

§ 3. In case of a tie the same shall be decided in the same manner, and under the same rules and regulations, as now prescribed by law in relation to a tie vote for county judge; and all vacancies in either of said offices of police judge and marshal shall be filled until the regular election, by the county judge of Graves county.

How tie vote decided, and vacancies, how filled.

§ 4. The said police judge and marshal shall reside and keep their offices within the limits of said town; and the judge shall be commissioned by the Governor; and each of them shall, before he enters upon the duties of his office, take the oaths prescribed by the constitution and laws; which oaths may be administered by any officers authorized to administer oaths.

Judge and marshal to reside in town.

Judge & marshal to be commissioned, and take oath.

§ 5. The marshal shall, at the first county court of Graves county, after he shall have received his certificate of election, enter into bond, with good security, payable to the Commonwealth, conditioned to discharge faithfully and impartially all the duties required of him by law; and may be sued upon from time to time by any person feeling himself aggrieved. Said bond shall be kept and filed away in the county clerk's office by the clerk thereof.

Marshal to give bond.

§ 6. The police judge shall have the same qualification of the justice of the peace, and the marshal those of a constable; and each may be removed by judgment of the circuit court, upon the presentment of the grand jury, for malfeasance in office, subject to an appeal to the court of appeals. Said police court shall have jurisdiction of all violations of the by-laws and ordinances of said town; and shall also have the same jurisdiction of all cases, civil and penal, within the limits of said town, as justices of the peace now have, and shall have the same fees as justices of the peace. The police judge shall also have the power to issue attachments and injunctions, in the same manner and under the same regulations prescribed by the Code of Practice.

Qualification of judge and marshal.

Jurisdiction of police judge.

1860.

Power of marshal.

§ 7. The marshal shall exercise the same power now granted by law to constables, and be entitled to the same fees for similar services. Appeals from said police-court shall be had to the county court and quarterly court, under the same rules and regulations as now govern appeals from justices' courts.

To deliver over papers to their successors.

Marshal to execute process delivered to him by any judge or justice.

Judge may issue process to constable.

Trustees may levy tax.

First election, when held.

§ 8. That the said police judge and marshal shall each deliver over to his successor any books or papers pertaining to each office. The marshal shall execute all process of said court when directed to him by any judge or justice of the peace for said county. The police judge may, for good cause, direct the process to any constable or sheriff of said county who shall execute the same.

§ 9. That the trustees shall have power to levy a property and capitation tax for the use and improvement of said town.

§ 10. The first election for police judge and marshal shall be on the first Monday of April, in the year 1860, and it shall be lawful to, at the same time and place, elect trustees for said town; and the persons then elected to said offices shall continue in office for one year, and until their successors are elected and qualified as required by this act.

§ 11. The Legislature reserving to itself the right to alter, amend, or repeal this act.

§ 12. This act to take effect from its passage.

Approved February 18, 1860.

Repealing clause.

CHAPTER 295.

AN ACT to increase the county levy of Woodford county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that the present rate of county levy does not afford sufficient revenue to meet the current expenses and debts of Woodford county; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Woodford county authorized to impose levies, be, and they are hereby, empowered to increase the county levy of said county to two dollars, including the levy last laid by said county court.

§ 2. This act shall take effect from its passage, and remain in force for two years.

Approved February 18, 1860.

CHAPTER 296.

1860.

AN ACT for the benefit of W. Bourn, executor of B. F. Bourn, deceased, late Sheriff of Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Walker Bourn, executor of the last will and testament of Benjamin F. Bourn, deceased, late sheriff of Montgomery county, have the further time of two years from and after the passage of this act to collect the uncollected taxes, fee bills, and county levies, subject, however, to the same pains and penalties as sheriffs are for collecting illegal fee bills, &c.

Approved February 18, 1860.

CHAPTER 297.

AN ACT to amend an act, entitled "An act to increase the powers of the Marshal and Police Judge of Columbia, in Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the jurisdiction of the police judge of the town of Columbia, in Adair county, be, and the same is hereby, extended to the whole county, in the same manner and to the same extent as justices of the peace now have in said county.

§ 2. That it shall be the duty of said police judge to hold a term for the trial of civil causes, which may be returned before him on the fourth Mondays in March, June, September, and December of each year, to continue from day to day, until the business returned before him is completed; that in holding said courts, said police judge shall be governed in all respects, be entitled to the same fees, and subject to the same penalties, as justices of the peace of this Commonwealth.

§ 3. That said judge be, and he is hereby, required to make report to the trustee of the jury fund for Adair county, of all fines and forfeitures now by law required to be reported; and for a failure of his duty in this respect, may be proceeded against by attachment or otherwise.

§ 4. That so much of the second section of the act to which this is an amendment, as limits the jurisdiction of the marshal of said town to the district in which he resides, be, and the same is hereby, repealed.

§ 5. That upon said marshal's executing bond with good and sufficient sureties, in the county court of Adair county, in the like sum, penalties, and covenants as constables are now required by law to execute, and shall take an oath well and truly to perform all the duties of his office. He

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shall have the same jurisdiction, power, and authority to serve and execute all process, of whatever kind, that constables now have the right and power to do in Adair county: *Provided*, That said marshal and his sureties shall be liable, in all respects, and to the same extent, for his official acts or delinquencies, as the constables of this Commonwealth.

§ 6. Said marshal shall be required to report to the trustee of the jury fund, as constables are now required by law.

§ 7. That said police judge and town marshal shall be elected by the qualified voters of the town of Columbia, on the first Saturday in June, 1860, and upon the same day, every two years thereafter, in the manner as required in the election of the board of trustees for said town.

§ 8. This act to take effect from its passage.

Approved February 18, 1860.

CHAPTER 298.

AN ACT for the benefit of George T. Halbert.

WHEREAS, George T. Halbert, clerk of the Lewis circuit court, has made out a cross-index to the old suits in the Lewis circuit court clerk's office; and whereas, there is no law authorizing the county court of Lewis county to allow said Halbert anything for making out said cross-index; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county court of Lewis county, at the court of claims in said county, be, and the same are hereby, authorized to make a reasonable allowance to said Halbert for making out said cross-index, to be paid out of the county levy of said county.

Approved February 18, 1860.

CHAPTER 299.

AN ACT for the benefit of Gideon Barnes, of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Gideon Barnes be authorized to erect a fish-dam across the Beech Fork of Salt river, in Nelson county, at or near Cedar creek island, where the land of said Barnes bounds on said stream; and that he be liable to any damages from overflow and obstruction to navigation.

§ 2. This act to take effect from its passage.

Approved February 18, 1860.

CHAPTER 300.

1860.

AN ACT to amend the charter of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Newport shall hereafter be composed of a president of the council, and two members from each ward in the city having the qualifications of voters of the city for one year next preceding their election.

City council—
how composed.

§ 2. The president of the council shall be chosen by the voters of the city for one year, and until his successor is duly elected and qualified; and the members of the council shall be chosen by the voters of their respective wards for two years, and until their successors are elected and qualified; but of those members of the council chosen at the first election after the passage of this act, one member from each ward shall be selected by lot, whose term shall expire at the end of one year; so that, in all future time, there shall be annually elected in each ward one member; and when any new ward shall be established, a like allotment shall be made as to one of the members first elected from such ward. The terms of the president and members of the city council shall commence on the Thursday next after their election.

President elect—
ed for one year.

Councilmen—
how selected.

§ 3. The president of the council shall preside at the meetings of the board; and a majority of all the members elected, including the president, shall constitute a quorum to do business; but less than a quorum may adjourn from time to time, and compel the attendance of absentees. The president shall be permitted to vote only when his vote may be necessary to make a majority; and in case of his absence, the board may select from their own number a president *pro tempore*, or the president may appoint some member to preside for any length of time not beyond an adjournment; and the president may participate in the debates, under such regulations as the board may adopt.

President to
preside at meet-
ings of council.

When presid't
may vote.

Pro tem. presi-
dent may be se-
lected.

§ 4. The president of the council shall take care that the ordinances, by-laws, and orders of the city council be faithfully executed; and for this purpose he shall have a general supervision and control over the executive officers of the city in the discharge of their duties; and he shall, from time to time, give the council information, in writing, of the condition of the city, and recommend such measures as he may deem proper for the good of the city, and perform such other services as may be required by the city council; and he shall be paid a stated annual compensation, to be fixed by the council. The members of the council may be allowed a compensation for their services not to exceed five dollars per month, which in all cases must be fixed by their

President to
see that ordi-
nances, &c., are
enforced.

Pay of coun-
cilmen.

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predecessors; and no extra compensation shall be allowed a member of the council, either for service on a committee, or otherwise.

City council
to judge of elec-
tion of its mem-
bers.

§ 5. The city council shall judge of the election and returns of its own members, and of all elective city officers, and shall make rules for determining contested elections, and for the government of its own proceedings; may punish members and other persons for disorderly conduct at its meetings, and two thirds concurring, may expel a member, but not a second time for the same offense.

Vacancy—how
filled.

§ 6. Should a vacancy occur in the office of president of the council, the city council shall appoint some fit person to fill such vacancy until the next annual election; and should a vacancy occur in the office of member of the council, it shall be filled by a special election to be ordered by the city council, or during the recess, by the president of the council, to take place within ten days.

How offices
may be vacat-
ed.

§ 7. Removal from the city shall vacate the office of president of the council, or of any city office; and removal from the ward which he represents shall vacate the office of a member of the city council.

City council
may choose ser-
geant-at-arms.

§ 8. The city council shall annually choose its own sergeant-at-arms and other officers, and such city or ward officers as are not otherwise directed by law to be chosen; and may remove them at pleasure, and may for cause shown remove or suspend any other city officer, and appoint suitable persons to fill their vacancies.

Council to have
charge of con-
cerns of city.

§ 9. The city council has charge of the fiscal and prudential concerns of the city, and shall make regulations for the collection, safe-keeping, and disbursement of the taxes and public money of the city, and may change the same from time to time; and no money shall be paid out of the city treasury unless appropriated by a majority of the city council, by ordinance or otherwise in writing, upon a call of the yeas and nays.

Shall meet
statedly.

§ 10. The city council shall meet statedly at such place in the city as the board may designate, not less frequently than once in each month, and specially whenever it may order or be convened by the president of the council or any three of its members.

May levy and
collect tax for
city purposes.

§ 11. The city council has power to levy and provide for the collection of *ad valorem* taxes for general city purposes upon all real estate and slaves in the city, and *ad valorem* or specific taxes upon all personal property in the city, as well as money or choses in action belonging to the inhabitants, and upon merchants, traders, bankers, brokers, or dealers in notes, bonds, or bills, doing business in the city at the time of the assessment. *Provided*, That the council shall, from time to time, designate by ordinance what articles of personal property, choses in action, &c., shall be

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taxed and listed for taxation; and also what articles, trades, or business shall be taxed specifically, and fix a maximum and minimum for such specific taxation: *And provided further*, That the rates of taxes shall be uniform upon each authorized subject of taxation; and that the taxes levied, including the school tax, shall in no one year exceed the sum of seventy-five cents on the hundred dollars of assessed taxable property in the city of Newport, choses in action, &c., taxed according to its value; the council has also power to levy and collect a tax in each year, of not exceeding one dollar and fifty cents, upon each tithable in the city, and a head tax upon each dog and bitch in the city.

§ 12. General city taxes shall be levied annually after the return of the assessment, and the ordinances levying the same shall provide for the manner of their collection; but in no case, except where a tax-payer is about to remove his property from the city, shall they be collectable by distress before the first day of August in each year, nor shall any lien therefor be enforced before the first day of October in each year; and the council has power to add penalties not exceeding a sum equal to fifty per centum thereof, to all bills for taxes and tithes delinquent on the first day of August in each year, as well as the costs of collection by distress, to be fixed by ordinance.

General city
taxes to be levied
annually.

§ 13. The city has remedy by distress for the collection of delinquent taxes and tithes; and the collector in whose hands the bills may be placed shall distrain therefor in the same way that the sheriffs distrain for taxes due Commonwealth; and a lien is given the city upon all real and personal property, slaves, and choses in action, for the general city taxes levied thereon, and the penalties and costs, to have precedence over all private liens or incumbrances, which may be enforced by judgment of the mayor's court without process, when it shall appear by the tax bill filed in said court, and such other evidence as the records of the city may furnish, that the taxes have been regularly levied, that the tax-payers are delinquent, and that the tax bills have been regularly returned by the collector from the 1st to the 15th of October in each year, indorsed that he has found no personal property or slaves to distrain for said taxes, penalties, and costs; and the mayor's court shall, in case of the enforcement of the lien, direct a sale by the collector of so much of the taxed property as will satisfy the taxes, penalties, and costs, after the same shall have been advertised by written or printed advertisement posted in front of the door of the council chamber, at least fifteen days before the day of sale; such sales shall be for cash, and the collector shall report his sales to the mayor's court; and time shall be given the owner of the property for twelve months from the day of sale to redeem the property sold,

City has remedy
by distress

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by paying to the purchaser, or to the city treasurer for him, double the amount of the purchase money; and if he shall not within that time redeem, the absolute ownership shall vest in the purchaser or his assigns; and in case the property sold be real estate, the president of the council shall make to the purchaser or his assigns a deed of conveyance: *Provided*, That the owner or claimant of any property may, if he appear, make any valid defense, either in law or equity, against the enforcement of any lien for taxes, but if no such defense be made before sale, the same shall be barred.

How tax may
be collected.

§ 14. The city council may appoint any contractor for whose benefit special taxes are levied collector thereof, and he may distrain therefor, or cause the same to be done by the sheriff, city marshal, or any constable; and the bills therefor shall, as soon as they are made out, be placed in the hands of the collector, and a like lien, as in case of general taxes, shall attach in their favor; and if, in not less than thirty nor more than forty days from the time of their delivery to the collector, they shall be returned by him, or any of the above named officers, indorsed as in case of general taxes, like proceedings may be had to enforce the liens therefor.

Assessor for
each ward to be
appointed, and
their duties.

§ 15. There shall be annually appointed by the city council one assessor for each ward, who shall immediately after their appointments and qualification proceed to assess the taxable property in their several wards; and after their assessments shall be made, the said assessors, with the president of the council, shall meet as a board of equalization, and equalize the several assessments; and all persons aggrieved by any assessment made, shall have remedy before said board of assessment. The time of the completion of the assessment, and the meeting of the board of equalization, shall be fixed by ordinance.

May cause
streets & alleys
to be graded,
&c.

§ 16. That council shall have full power and authority to cause and procure all the streets and alleys, market-places, lanes, or parts of streets, lanes, alleys, or market-spaces, in said city, to be graded and paved, macadamized or turnpiked, at the expense and cost of the owners of lots fronting on such streets or alleys; and a petition in writing, to the said council, of the owner or owners of the larger part of ground between the points to be improved, fronting on any street or alley, public square, &c., shall be sufficient to authorize the council to contract for the grading and paving, macadamizing or turnpiking, or bouldering the same: *Provided*, That said council, by a vote of two thirds of members elect, may cause any street, alley, public ground, or square, or parts in said city, to be graded and paved, or turnpiked, bouldered at the cost and expense of the owners of the lots or parts of lots fronting on said streets or alleys,

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&c., without petition or consent; and when the grading, paving, bouldering, or turnpiking, or macadamizing shall be completed, council shall apportion the cost, and each lot, or the holder thereof, shall be assessed for the grading, paving, bouldering, macadamizing, and turnpiking, &c., immediately in front of the same, and to the center of said street or alley; and a lien is hereby given on the lots or parts of lots for the same, which costs and expenses may be listed and collected, as may be directed by ordinance, by the city collector, or any special collector, who shall have power and authority to sell and convey said lot or lots, or part of lot or lots, for the same, according to such by-laws and regulations as shall be adopted by the council.

§ 17. When it is necessary to remove dirt from one street to another, in order to make the proper grade for the purpose of paving, bouldering, turnpiking, or macadamizing, or otherwise improving streets or alleys, the cut and fill of same shall be charged equally one moiety to each, on the lots fronting said streets or alleys; and lien is hereby given on the lot or lots, or parts of lots, and collection for amount of same shall be made as provided in section sixteen: *Provided, however,* That the owner of any lot, or part of lot or lots sold for the payment of the cost and expenses of such grading and paving, macadamizing, bouldering, or turnpiking, as aforesaid, who has not petitioned, in writing, for that purpose, shall be allowed two years to redeem the same, by paying to the purchaser of said lot or part of lot so sold as aforesaid, the purchase money, with twenty-five per centum interest per annum, and ten per cent. interest on all the taxes and levies that may have subsequently accrued; and those who may have petitioned in writing, may redeem at any time within one year, on payment of like interest: *And provided,* That council shall, by a two thirds vote, have power to pay for the grading of the streets out of the city treasury.

How dirt to
be removed to
make proper
grade.

§ 18. The city council shall have power and authority to cause and procure the sidewalks in said city to be graded, curbed, and paved with stone or brick, and to apportion the cost and expenses among the owners of lots fronting or bounding thereon; and a lien is hereby given on said lots to secure the payment of said costs and expenses, to attach from the time that the work is ordered or put under contract: *Provided,* The owners do not have the work done in the manner and within the time prescribed. The council shall have the like power to cause and procure the streets and alleys now established or hereafter to be established within said city, to be filled, leveled, and graded for the purpose of carrying off the water, or preparatory to paving or turnpiking, at the cost and expense of the owners of lots fronting or bounding thereon; and a like lien is hereby

May cause
sidewalks to be
paved, &c.

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given and allowed on said lots and parts of lots, to secure the payment of said costs and expenses accruing under the provisions of this section, [which] shall be listed and collected in like manner as those for paving, grading, and turnpiking; and the collector shall have like authority to sell and convey the same, as is provided for in the foregoing section; and said lots or parts of lots shall be liable to redemption in one year from the day of sale, with fifty per centum interest thereon.

May cause streets, &c., to be paved.

§ 19. Whenever at any time the streets, alleys, or sidewalks of the said city shall be out of repair, the said council shall have power to order and direct the same to be repaired at the expense of owners of lots opposite the place where the repairs shall be necessary, and the same lien shall attach; the costs and expenses thereof shall be collected in like [manner] as is provided in the foregoing section.

No debt to be contracted, when there are no funds to pay them, unless a majority of citizens shall so decide.

§ 20. The city of Newport shall not contract any debt by borrowing money or by issuing orders on the city treasury, where funds are not in the treasury to pay them, unless a majority of the voters of the city, voting at a regular municipal election, shall concur therein; and for the payment of any city debts now due, or which may hereafter become due, the city council has power to levy and collect a tax upon the taxable property of the city to pay the same, with its interest, in yearly installments.

May establish sinking fund.

§ 21. The city council is directed to establish a sinking fund for the payment of the interest and principal of the funded debts of the city, and to provide resources therefor from the general revenue and other income of the city; and when such resources are provided for, the money arising from such resources shall not be diverted nor appropriated to any other object, until the funded debts of the city are fully paid, principal and interest.

Mayor's court to be open at all times.

§ 22. The mayor's court of the city of Newport shall be opened at any time for the transaction of business before it; but civil causes, when the amount or value claimed shall exceed fifty dollars, shall be heard only at such stated quarterly terms as may from time to time be fixed by the city council.

City attorney—how elected, and his duties, &c.

§ 23. The city attorney shall be elected by the city council for the term of two years, and until his successor shall be chosen. He shall prosecute in the mayor's court in such cases as the president of the council or the mayor may require him. He is the legal adviser of the city council and of the city officers in matters pertaining to the interests of the city; and he must prosecute and defend for the city all actions in any of the courts of this Commonwealth in which the city may be a party, and shall receive

a stated annual compensation to be paid out of the city treasury.

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§ 24. This act shall take effect from its passage: *Provided*, That the sixteenth, seventeenth, eighteenth, and nineteenth sections shall not take effect until the same shall have been submitted to the legal voters of said city, and approved of by a majority of those voting, which submission shall be made at the next municipal election; and all persons who shall vote illegally at such election shall be liable to the same pains and penalties as are imposed for illegal voting at other elections held in said city. The proper officer of said election shall propound to each qualified voter the following questions:

1. Are you for or against the sixteenth section of the amended charter as adopted by the convention?

2. Are you for or against the seventeenth section of said amended charter?

3. Are you for or against the eighteenth section of the said amended charter?

4. Are you for or against the nineteenth section of said amended charter?

And the vote of each shall be recorded for or against each section as indicated by the answer. Within ten days after the holding of such election, the mayor of said city shall make proclamation of the vote, and such sections as shall have received a majority of the votes cast shall be adopted, and be in full force from the time of such proclamation; and such as shall not have received a majority, as aforesaid, shall be rejected and constitute no part of the law.

Approved February 18, 1860.

CHAPTER 301.

AN ACT for the benefit of the estate of Foster Hurst, deceased, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State of Kentucky hereby releases and relinquishes unto the estate of Foster Hurst, deceased, and to the personal representative of said estate, all right, title, and interest which the State has, or might have had, in and to the proceeds arising from the sale of William Henry, a runaway, sold by order of the McCracken county court, and purchased by said Foster Hurst, deceased; and the security of said Hurst, for the purchase price of said slave, and the personal representative, are hereby acquitted and released from paying to the State the proceeds of sale of said runaway.

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§ 2. Nothing in this act shall be construed as releasing said estate of Foster Hurst, or his security, from paying jail fees, take-up fees, and officers' costs.

§ 3. This act to take effect from its passage.

Approved February 18, 1860.

CHAPTER 302.

AN ACT to legalize the sale and purchase of poor-house land in Montgomery county.

WHEREAS, It has been proven to the satisfaction of the county court of Montgomery county that it was to the interest of said county to make sale of the land purchased for said purpose, under the law establishing said poor-house; and whereas, said county court has purchased a larger tract of land than is provided by law; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said sale and said purchase be made legal and binding between the parties.

Approved February 18, 1860.

CHAPTER 303.

AN ACT to empower the County Court of Bath county to make subscriptions to the capital stock of Turnpike Road Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bath county, at any regular term of said court, a majority of the justices of the peace of said county in commission being present and concurring therein, shall have power to make subscriptions to the capital stock of any turnpike road company which has been, or may hereafter be, incorporated by the Legislature of Kentucky, or by said county court, under the general law, not exceeding the sum of eight hundred dollars per mile for each mile of such roads which may be located within the limits of said county; and that said court, with the concurrence of the majority of the justices aforesaid, may levy a tax upon the real and personal estate in said county, subject to taxation for revenue purposes, sufficient to pay the same; and that all the laws of the State applicable to the collection of the revenue, shall apply in the collection of the tax thus levied: *Provided*, That such subscriptions shall not be made till said court shall be satisfied that an amount of stock sufficient, with the aid of

such county subscriptions, to complete each mile of road to which such county subscriptions apply, has been taken by private subscriptions.

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§ 2. This act shall take effect from and after its passage.

Approved February 18, 1860.

CHAPTER 304.

AN ACT to incorporate the Avenue Presbyterian Church, of Portland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Irvine, Dr. George H. Walling, Joseph T. Miles, Daniel McCullough, and John Graham, and their successors in office, be, and they are hereby, created a body politic and corporate, by the name and style of the "Avenue Presbyterian Church, of Portland," and by that name shall have perpetual succession and corporate existence, with all powers incident to such corporations, so far as it may be necessary to protect and preserve the rights, titles, or privileges and immunities of said church, which belong or may belong to said church; and to hold any property that may have been conveyed for the use of said church, and to acquire and possess it for the benefit thereof, either by gift, purchase, or in any other way, not exceeding fifty thousand dollars; and said trustees, or their successors, shall have full power to sell, and by deed convey the property in whole or in part of said church, and re-invest the proceeds for the benefit of the said church, as may be directed by a majority of the white members thereof, at a meeting to be held for that purpose.

§ 2. The said trustees shall continue in office until their successors shall be duly elected; and every two years the said trustees shall be elected on the day and at the place to be regulated by said trustees; and the said trustees, or their successors, may change the time and place of such election; and those in office may, from time to time, fill any vacancy in their board, and hold until their successors shall be elected. At every election of said trustees, each white member of said church shall be entitled to one vote, and a majority shall determine said election.

§ 3. A majority of said trustees shall, at all times, constitute a quorum, and it shall be their duty to keep a fair record of their proceedings, and appoint all such officers as may be necessary and proper for the comfort and convenience of said church and congregation, and for the preservation of their property; and to pass such by-laws and regulations, not inconsistent with the constitution and

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§ 4. The said trustees may, in the name of the Avenue Presbyterian church, of Portland, prosecute and defend any and all warrants or suits, necessary and proper for collection of rents, pew taxes, and all property or rights that may be due and owing to it; and defend all suits instituted against them touching or affecting the same.

§ 2. This act shall take effect from its passage.

Approved February 18, 1860.

CHAPTER 305.

AN ACT to amend the Danville, Dix River, and Lancaster Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Danville, Dix River, and Lancaster turnpike road company be so amended as to exempt one hand from working on all county roads for every one hundred dollars of stock subscribed and paid to the directors of said road.

§ 2. The hands exempted from working on county roads, as herein provided, shall be required to work on the Danville, Dix River, and Lancaster turnpike road, under the control and management of the president and directors, who shall have the same remedy to compel hands of stockholders to work on said road that surveyors of county roads have under existing laws; and the fines for the failure of hands to work on said turnpike shall be collected and paid to the president and directors thereof, for the use and benefit of said company, and shall be appropriated to keep the same in repair.

§ 3. The provisions of this act shall only apply to subscribers living in the immediate vicinity of said turnpike; and the hands of stockholders shall not be required to work more than five days in any one year.

§ 4. This act shall take effect from its passage.

Approved February 18, 1860.

CHAPTER 306.

1860.

AN ACT to incorporate Garrard Lodge, No. 139, of Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. F. Smith, H. C. Jennings, B. Swope, J. W. Poor, and D. W. Dunn, and their successors, be, and they are hereby, created a body corporate, by the name and style of Garrard Lodge, No. 139, of Independent Order of Odd Fellows; and they and their successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, in all courts of law and equity, to have and use a common seal, and alter the same at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when they deem proper; and may change and renew the same at pleasure: *Provided*, They be not contrary to the constitution and by-laws of the grand lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention to the constitution of the United States or this State.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 4. This act shall take effect from its passage.

Approved February 18, 1860.

CHAPTER 307.

AN ACT for the benefit of John Thorns, guardian of Mary Houston Jackson.

WHEREAS, It is represented to the General Assembly that John Thorns was appointed guardian of Mary Houston Jackson, by the Franklin county court; and that both he and his said ward resided then, and still reside, in Fayette county; now, to facilitate the settlement of his accounts,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Fayette county court shall have the same jurisdiction over said Thorns, as guardian of Mary Houston Jackson, and for the settlement of his accounts, that has hitherto belonged to the Franklin county court; and it shall

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be his duty to make his settlements with the Fayette county court, and they shall have the same effect as if made with the court that appointed him.

Approved February 18, 1860.

CHAPTER 308.

AN ACT creating an additional voting place in District No. 8, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place is hereby established in district No. 8, (Dublin district,) Graves county, at Saxon's depot, in said county.

§ 2. That the additional voting place in said district shall be at the depot building, or some other house convenient and adjacent to the depot, until otherwise altered by law.

§ 3. That it shall be the duty of the county judge of said county to appoint judges and other officers to conduct the elections at said voting place, as he is required by law to do for other voting places in said county; and that the officers holding elections at said voting place shall be governed in all respects by the law now in force in this Commonwealth applicable to officers conducting elections in the respective districts in said county.

§ 4. This act to take effect from its passage.

Approved February 18, 1860.

CHAPTER 309.

AN ACT to authorize the Anderson County Court to sell and convey the poor-house land in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Anderson county, a majority of the justices of the peace for said county being present and concurring therein, shall have, and is hereby, invested with full power and authority to sell and convey the poor-house tract of land in said county.

§ 2. This act shall take effect from and after its passage.

Approved February 18, 1860.

CHAPTER 310.

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AN ACT to incorporate the City of Columbus.

ARTICLE I.

1. Boundaries of the city of Columbus.
2. Corporate powers of the city.
3. City to be divided into three wards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All that district of country contained within the following limits, to-wit: Beginning at a point in the middle of the main channel of the Mississippi river, agreeable to the present northern boundary of the town of Columbus, and running with said northern boundary line to a point where the eastern boundary line of said town intersects or crosses said northern boundary line; thence with said eastern line to a point where said line connects with the southern boundary line of said town of Columbus; thence along said line to a point where the said line connects with or opposite to the present eastern line of Kentucky city; thence with said last named line to a point to intersect with the present southern boundary line of Kentucky city; and thence with said line to a point in the middle of the main channel of the Mississippi river, is hereby erected into a city, by the name of the city of Columbus.

Boundary of city.

§ 2. That the inhabitants of the city of Columbus, as the same extends and is laid out above, be, and they and their successors forever are hereby, constituted a corporation and body politic, in fact and in law, by the name and style of the city of Columbus, and by the same name shall have perpetual succession; shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; and may purchase and hold property, personal and real, within said city; and may sell, lease, or dispose of the same for the benefit of the city; and may purchase, receive, and hold property, real and personal, beyond the city limits, to be used for the burial of the dead of the city, also for the erection of quarantine and hospital for the reception of persons infected with contagious and other diseases; also for a poor-house, work-house, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city; they shall have and use a common seal, and may break, change, alter, and make a new seal at pleasure.

Body corporate and politic, and corporate powers.

§ 3. The city of Columbus shall be divided into three wards, the boundaries whereof shall be as laid down in this charter, and may be by the said council changed from time to time as they shall see fit, having regard to the number of free white male inhabitants, as also to the value of real estate embraced within said wards, as near as may be to

Divided into three wards.

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insure a just and fair representation from each of said wards.

Boundary of
1st ward.

§ 4. The first ward shall embrace all that section of territory of the town of Columbus, commencing at the northern boundary of said town, running southwardly along the Mississippi river to a point opposite the center of Henry street; thence eastwardly along the center of said Henry street eastwardly to the center of Back street; thence northerly along the center of Back street until you reach the center of the street south of college lot; then along the center of said street eastwardly to the extreme eastern boundary of the town of Columbus; thence northerly along the eastern boundary of said town until the same reaches the northeast corner of said town; thence westwardly along said northern boundary to the place of beginning; and this shall be known as the first ward.

Boundary of
2d ward.

The second ward shall commence at a point on the Mississippi river, opposite the center of Henry street, and being the southwest corner of the first ward; thence southerly down the bank of the Mississippi river to a point on said river opposite the center of Dabney street; thence eastwardly along the center of Dabney street to a connection in the center of Back street; thence northerly along the center of Back street to the center of the first street running eastwardly; thence along the center of said street until it strikes opposite lot No. 864; thence southerly along the street until it reaches the southern boundary of the town; thence eastwardly along the town boundary to the southeast corner of the town boundary; thence northwardly along the eastern boundary of the town until you strike the center of the street running south of college lot, it being the southeast corner of ward No. 1; thence westwardly along the center of said street to the center of Back street; thence southerly along the center of Back street till you connect with the center of Henry street; thence to the beginning.

Boundary of
3d ward.

The third ward shall commence at the southwest corner of second ward; thence along the center of Dabney street to the center of Back street; thence northerly with the center of Back street to the first street running eastwardly; thence with the center of said street to a point opposite lot No. 864, in the center of the street lying west of said lot; thence southerly along the center of said street to the southern boundary of the town; thence westwardly along the southern boundary of the town of Columbus to a point where the eastern boundary of Kentucky city connects with the town of Columbus; thence southerly along the eastern boundary of Kentucky city to the southeast corner of said city; thence westwardly along said southern boundary of said city to the center of the main channel of the

Mississippi river; thence northerly with the said channel of the river to the beginning.

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ARTICLE II—Of the City Council.

§ 1. There shall be a board of city council, to consist of two councilmen to be elected from each ward.

Two councilmen elected from each ward.
Term of office.

§ 2. The councilmen to the number of two shall be chosen by the qualified voters of the several wards for one year.

§ 3. No person shall be elected councilman from any of the wards of the city of Columbus unless he be a citizen of the Commonwealth of Kentucky, and shall have resided within the limits of the city six months next preceding his election, and be a *bona fide* resident of the ward for which he is elected.

Qualification of councilmen.

§ 4. If any councilman shall, after his election, remove from the ward for which he was chosen, his office shall thereby be vacated.

Removal from ward to vacate office.

§ 5. The board of councilmen shall elect one of their number to be president of the board, whose term of office shall continue for one year; and shall also have power to appoint a clerk, and such other officers as to them may seem necessary for the transaction of their business.

To elect president, clerk, and other officers.

§ 6. Said board of councilmen shall be the judge of the elections, returns, and qualifications of its own members, and shall determine contested elections.

Board of councilmen to judge qualifications of members.

§ 7. The majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

Quorum.

§ 8. Said board may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds of all the members of the board, expel a member, but not the second time for the same offense.

May determine rules of proceeding.

§ 9. The board of council shall keep a journal of its proceedings, and as soon as practicable, publish the same in a newspaper of the city having the largest circulation.

To keep journal of proceedings, and have same published.

§ 10. All vacancies which may occur shall be filled by election in such manner as shall be provided for by ordinance.

Vacancies—how filled.

§ 11. Each member of the city council, after his election, shall, before entering on the duties of his office, take and subscribe an oath that he will support the constitution of the United States and of the Commonwealth of Kentucky, and the provisions of this charter, and that he will faithfully demean himself in office.

Councilmen to take oath.

§ 12. There shall be twelve sessions of the board of city council in each and every year, to-wit: On the first Monday of each and every month, at such place as may be provided for by ordinance.

To be twelve sessions each year.

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When yeas & nays shall be called.

Majority of members necessary to pass a bill appropriating over \$250.

§ 13. Upon the passage of all bills appropriating money, or bills imposing taxes, increasing, lessening, or abolishing license, and of all bills for borrowing money, the yeas and nays shall be entered on the journals.

§ 14. A majority of all the members elected shall be necessary to pass a tax-bill, bills appropriating money which shall amount to a sum over two hundred and fifty dollars, and all such bills as shall have effect in any manner to increase or diminish the city revenue.

ARTICLE III—of the *Legislative Powers*.

Amount of appropriations not to exceed the amount of the increase of the preceding year.

§ 1. The appropriations of the city council for the payment of interest, for improvements, and for city expenses during any one fiscal year, shall not exceed the amount of the increase of the preceding fiscal year; but it shall be lawful for said council to apply any surplus moneys in the treasury to the extinguishment of the debt of the city, (or the creation of a sinking fund for the payment of said debt,) or to the completion of the city water-works; but said council shall apply the revenue received from wharfage, (deducting expenses of collecting the same, and other incidental expenses attendant thereto,) to the improvement of the wharf, until the same is completed.

Powers & duties of mayor and city council.

§ 2. The mayor and city council shall have power within the city, by ordinance:

1. To levy and collect taxes, not exceeding one and one half of one per centum, upon all property made taxable by law for State purposes, within the city. 2. To borrow money on the credit of the city. 3. To appropriate money and to provide for the payment of the debt and expenses of the city. 4. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same within five miles of the city. 5. To establish hospitals and make regulations for the government of the same. 6. To make regulations to secure the general health of the inhabitants; to prevent, abate, and remove nuisances at the expense of the owners or occupants of the parties upon whose grounds they may exist. 7. To provide the city with water, and to erect hydrants, fire-plugs, and pumps in the streets, within or beyond the limits of the city, for the convenience of the inhabitants of the city and environs. 8. To open, alter, abolish, widen, extend, pave, or otherwise improve, clean, and keep in repair, streets, alleys, avenues, lanes, wharfs, and public grounds and squares; but the mayor and city council shall not open or establish a street, lane, avenue, alley, or other public way through the grounds lying and being situate therein without the written assent of a majority of the owners or occupants living on said property immediately adjacent to said streets, alleys, or other public way. 9. To establish, erect, and keep in repair, bridges.

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culverts, and sewers, and regulate the use of the same; to establish, alter, and change the channel of water-courses, and to wall them up and cover them over if need be. 10. To provide for lighting the streets of the city with gas or other material. 11. To establish, support, and regulate night-watches and patrols. 12. To erect market-houses, establish market-places, and provide for the government and regulation thereof. 13. To provide for the erection of all needful buildings for the city. 14. To provide for inclosing and improving all public grounds belonging to the city. 15. To improve and preserve the navigation of the Mississippi river within the limits of the city. 16. To erect, make and repair wharfs, and docks; to regulate the erection and repair of private wharfs, and to fix the rate of wharfage thereat: *Provided*, The rate of wharfage at private wharfs shall be the same as at the public wharf. 17. To regulate the stationing and anchoring of vessels within the city. 18. To license, tax, and regulate auctioneers, grocers, merchants, retailers, and taverns, and to license and tax, and regulate and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money-changers. 19. To license, tax, and regulate hackney carriages, coaches, omnibuses, carts, drays, and wagons; and to fix and establish the rates of charges for the carriage of persons, wagonage, cartage, and drayage of property. 20. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements. 21. To license, tax, restrain, and prohibit billiard-tables, tippling-houses, and dram-shops, and to suppress gaming and gambling-houses, and other disorderly houses, and to suppress bawdy-houses. 22. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of the city; to appoint fire wardens, and property guards, with full power to arrest and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to assist in extinguishing or preventing such spread of fire; and to have power to compel all persons so present at a fire to assist in the preservation of property exposed to the danger of fire; to prevent the purloining of goods and property at such fires; and such other powers and duties as may be hereafter prescribed by ordinance; to compel any housekeeper to have a good and suitable ladder always ready for use on his own premises. 23. To regulate and order the clearing of chimneys, and to fix the fees therefor. 24. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and to appoint one or more officers, at

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white male inhabitant over twenty-one years of age, who may have resided three months within said city. 41. To remove all obstructions from side-walks, and curb-stones, and gutters, and to provide for the construction of cross-walks on the streets, and for the repairing of all side-walks and pavements along the streets; for the cleaning of the same at the expense of the owners of the grounds fronting on same. 42. To prevent and restrain any riot, rout, noise, disturbance, or disorderly assemblage in any street, house, or other place in the city. 43. To prevent and remove any and all encroachments into and upon any street, alley, side-walk, lane, avenue, or public square established by ordinance. 44. To exercise complete and perfect control over all public squares or commons belonging to the city, and over all property belonging to the city, be the same real or personal, lying within or beyond the limits of the city created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good government and order of the city of Columbus, and the trade, commerce, and manufactures thereof, as the city council may deem expedient, not repugnant to the constitution and laws of this Commonwealth; and also to enforce the abservance thereof by inflicting penalties upon any inhabitant, or other person or persons, for the violation of any ordinance, not exceeding five hundred dollars for any one offense, recoverable with costs in any action of debt, by and in the name of the city of Columbus, for the use of the city before any court having cognizance and jurisdiction of the same.

§ 3. The city council shall have power (subject to the restriction in the last clause in the preceding but one) to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section, and all powers vested by this act in the corporation, the city government, or any department or office hereof.

City council shall have power to make all ordinances necessary for carrying into effect the powers specified in the preceding section.

§ 4. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specified and defined.

How money to be expended.

§ 5. Every bill which shall have been passed by the board of city council, shall, before it becomes a law, be presented to the mayor for his approbation. If he shall approve the bill, he shall sign it; if not, he shall return it with his objections to the board, which objection shall be entered at large on the journal, and the bill be re-considered.

Bills passed by council to be presented to mayor for his approval.

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Two-thirds
may pass a bill
if mayor refuse
to sign it.

Yeas and nays
to be taken.

Bill to become
a law if not
returned in five
days.

Style of ordi-
nances.

What docu-
ments to be
published.

Certified copies
of ordinances
to be received
as evidence.

Mayor, and
term of office.

Qualification
of mayor.

How tie vote
to be decided.

§ 6. If after such re-consideration, two thirds of all the members of the board of city council shall agree to pass the same, and by that proportion of votes shall pass the same, it shall become a law.

§ 7. In all such cases the votes in the city council shall be taken by yeas and nays, and the same shall in all such cases be entered on the journal.

§ 8. If any bill shall not be returned by the mayor within five days, (Sundays excepted,) after it shall have been presented to him for his approbation, the same shall become a law in same manner as if approved and signed by the mayor.

§ 9. The style of the ordinances of the city shall be: Be it ordained by the city council of Columbus.

§ 10. All ordinances passed by the city council shall, within ten days after they become laws, be published in a newspaper having the largest circulation in the city of Columbus, and county of Hickman. The city council shall, at every regular meeting or session of their board, cause to be made out by their clerk an abstract of its proceedings, which shall also be published in like manner. This abstract shall present the substance of all memorials, petitions, and remonstrances, of all motions and propositions, and of all bills, resolutions, and orders, so as to exhibit the nature and import of all such business as may be before the board. The communications of the mayor and other city officers shall be published in full in the paper publishing the proceedings of the board, but the council shall so order as not to pay for but one such publication. The concurrence of a full board, and the unanimous vote of the council, may and shall be regarded as necessary to dispense with the publication of the proceedings of the board.

§ 11. All ordinances of the city of Columbus may be proved by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE IV—*Executive and Ministerial Officers.*

§ 1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of four years, and until his successor is duly elected and qualified.

§ 2. No person shall be mayor, who, at the time of his election, has not been a resident of the State for one year last preceding his election, and of the city six months last preceding his said election.

§ 3. When two or more persons shall have an equal number of votes for the office of mayor, the city council shall decide the question by a vote.

§ 4. Whenever an election for mayor shall be contested, the city council shall hear and determine the same by a vote.

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Contested election of mayor.
Vacancy—how filled.

§ 5. Whenever any vacancy shall occur in the office of mayor, it shall be filled by an election in such manner as shall be provided by ordinance.

§ 6. The mayor may be removed from office for any misdemeanor, by a majority of two thirds of the votes in the board of city council.

May be removed.

§ 7. The mayor shall have power to nominate, and by and with the consent of the city council, to appoint all city officers not ordered by this act to be made elective; also to suspend, and with the consent of the board of city council, to remove any city officer, except those elected by the people; he shall take care that the laws of the Commonwealth, and the ordinances of the city, are duly enforced, respected, and observed within the city; he may fill all vacancies which may occur or happen in any elective office, until the next annual city election, (excepting that of a member of the council;) he may remit fines, forfeitures, and penalties accruing from, or imposed for the violation of any ordinance of the city; he shall also, from time to time, give the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

Mayor to nominate all city officers to council. His powers.

§ 8. The mayor may call special sessions of the city council by his proclamation whenever it may, in his judgment, be deemed of interest to the city, and when so convened, the mayor shall state to them the cause for which said session had been convened.

May call special sessions of city council.

§ 9. There shall be a city register, city auditor, city treasurer, city attorney, city marshal, and city engineer, who, in addition to the duties prescribed by the act, shall perform such other acts and duties as may be prescribed by ordinance; there shall also be such other officers, servants, and agents of the corporation as may be provided for by ordinance, to be appointed by the mayor, by and with the advice and consent of the city council. The city register, city auditor, city treasurer, city attorney, city marshal, and city engineer, shall have the same qualifications as to residence as that of the mayor; said officers shall be elected for the term of one year, and shall hold their offices until their successors are duly elected and qualified.

City officers, their qualifications, and term of office.

§ 10. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and when necessary, to attest them; he shall keep and preserve in his office the common seal of the city, and records, public papers, and draughts of the city, not properly belonging to any office.

Duty of city register.

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Duty of city
auditor.

§ 11. It shall be the duty of the city auditor to prescribe the mode of keeping, stating, and rendering all accounts of the city, unless otherwise provided by ordinance, between the city and any person, persons, or body politic or corporate.

Duty of city
treasurer.

§ 12. It shall be the duty of the city treasurer to receive and safely keep the money of the city, and pay out the same only upon the warrants drawn by the auditor.

Duty of city
attorney.

§ 13. It shall be the duty of the city attorney to prosecute all actions and defend all suits in the courts of this Commonwealth wherein the city is a party, plaintiff or defendant; also, to give advice and counsel when required, to the mayor or board of city council; such advice and counsel shall be given in a written form, and filed in the office of the city register.

Duty of city
marshal.

§ 14. It shall be the duty of the city marshal to attend all meetings of the city council, (either in person or by deputy;) he shall, within the city, in all matters of a criminal nature arising under any laws of this Commonwealth, possess the same power, perform the same duties, and receive the same compensation as constable, sheriff, or other officer of the county of Hickman now receive; he shall execute all process issued by the mayor, the board of city council, recorder, police judge, or justice of the peace, under this act, or under any ordinance of the city.

Duty of city
engineer.

§ 15. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city; to make out plans and estimates thereof, and to contract for the execution of the same, and to perform all surveying and engineering ordered by the city: *Provided, however,* Such plans and contracts shall be first approved by the board of city council, or the same shall not be valid.

All officers to
reside within
city limits.

§ 16. The mayor and all other officers of the corporation shall reside within the limits of the city during their continuance in office; and if the mayor of the city shall cease to reside within the limits of the same, his office shall be thereby vacated.

Police judge,
his powers and
duties.

§ 17. There shall be a police judge, who shall be a resident of the city, and shall possess the same qualifications as the mayor under the provisions of this act, who shall be elected at the same time as the mayor and members of the city council are elected, and shall hold his office two years, and until his successor in office is duly elected and qualified; he may be removed from office in the same manner as that prescribed for the mayor; he shall have jurisdiction over all offenses of a less grade than that of a felony and circuit jurisdiction with justices of the peace, and the duties to be within the limits of the city in all State cases; he shall have jurisdiction over all cases arising under any ordinance of the city, subject, however, to an appeal in all

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cases to the equity and criminal court of Hickman county; and every such appeal shall be taken and granted when prayed for, in the same manner as appeals are taken from and granted by justices of the peace under the general laws of the Commonwealth of Kentucky; he shall make a semi-annual report of all fees received by him for his services, which report shall be verified by his affidavit and returned to the mayor, who shall submit the same to the board of city council at the first meeting of the board thereafter. The recorder shall receive such compensation in a salary or by fees allowed him in each case tried before him, as the city council may hereafter determine by ordinance.

ARTICLE V—Of Elections.

§ 1. A general election for all officers of the corporation required to be elected by this act, shall be holden on the first Monday of August in each year.

When general election to be held.

§ 2. At all elections for city officers the voters shall vote *viva voce*, and only in the wards wherein they, at the time of the election, respectively reside.

Shall vote *viva voce*.

§ 3. Judges of the election shall be appointed by the board of the city council; they shall take an oath faithfully and impartially to discharge their duties; they shall open the polls at sunrise and keep the same open until sunset; then they shall forthwith proceed to count and ascertain and certify the result of the election in the presence of so many of the candidates or other persons, of all parties indiscriminately, as can be conveniently accommodated in the room selected for that purpose: *Provided*, That there shall never be less than five persons, voters, present at said count, if so many desire to be present.

How judges of election appointed, and election how conducted.

§ 4. No election shall be held at a grog-shop, or at a tavern, or other place where ardent spirits are vended and sold; and any person who shall cause liquor of any kind to be sold, bartered, or given away at any place within the limits of the city on the day of the annual city election, shall be deemed guilty of a violation of this act, and shall be fined in a sum not to exceed five hundred dollars, and imprisoned in the jail of the county for a period of not less than ninety days, or by both said fine and imprisonment.

Concerning elections.

§ 5. All persons qualified as electors under the constitution and laws of the Commonwealth of Kentucky, who shall have resided six months within the city, and one month within the ward, when they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

Qualifications of electors.

§ 6. All special elections to fill vacancies shall be held under such regulations as may be provided by the board of city council.

Special elections may be held.

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ARTICLE VI—*Of Opening and Improving Streets.*

May cause
streets to be
paved, &c.

§ 1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane, or alley not established and opened according to law and ordinance. It shall be lawful, however, for the city council to order the owner of grounds fronting on any private alley, to keep the same clean, and if necessary thereto, to direct the owner [to] pave, grade, or plank the same.

How streets,
&c., may be
opened.

§ 2. Whenever the city council shall by ordinance establish, open, widen, or alter any street, lane, alley, or avenue, or any public square, wharf, or other public grounds, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the corporation shall make a just compensation therefor, to the owner or person entitled to the use, rent, or profits thereof; the amount of said compensation shall be ascertained in the following manner, to-wit: The mayor shall petition the circuit court of Hickman county in term time, or the judge thereof in vacation, setting forth in his petition a particular description of the property sought to be condemned for public use, and, as far as known, the name or names of the owners thereof, and stating fully for what purpose the private property is sought to be condemned, whether for establishing, opening, widening, or altering a street, lane, avenue, wharf, or public square, and praying the court or judge to cause the damages to be assessed; on the presentation of which petition, it shall be the duty of the court, in term time, or of the judge in vacation, to issue a precept to the marshal of the city, requiring him to summons twelve disinterested freeholders of the city, who shall attend upon the premises at a time to be specified in the precept, not less than five nor more than twelve days from the date thereof; said jurors or triers shall be sworn diligently to inquire, and a true assessment to make, of the damages to be suffered by the owner of the property in question, and a true verdict render according to the law and testimony. It shall be the duty of the mayor, at least three days before said petition is presented, to cause a notice, in writing, to be served on each of the owners, if known, of the property sought to be condemned, stating the time and place at which said petition will be presented. If the owners, or any part of them, be not known to the mayor, or non-resident, he shall cause such notice to be published in at least one newspaper printed in the city of Columbus, which notice shall be published at least thirty days before said petition is presented. In vacation it shall be the duty of the judge to attend at the time designated in the precept for said inquest; and the judge shall preside at the same, and shall keep and preserve a record of all the proceedings. Either party may except any ruling of the judge or

court, as in ordinary trials; and may in like manner appeal from his decision to the circuit court; continue as to a day not more than ten days distant, or new trial may be granted for good cause shown, as in other actions; and the proceedings, as near as may be, shall conform to the proceedings in ordinary cases of *ad quod damnum*. Judgment shall be entered against the city in favor of the several owners respectively for the damages assessed by the jury; upon which judgment the officers of the court shall be entitled to the same fees as for like services rendered in other cases. Whenever judgment is rendered, the city may proceed to take possession of the land, and appropriate the same to the purpose mentioned in the petition, without waiting for the termination of any appeal, which may be taken upon the executing bond, with security, for the payment of the amount of the judgment.

§ 3. In all cases of condemnation of property for public use, the mayor may allege in his petition that the property sought to be condemned of right belongs to the city, and not to the claimant; and if such allegation is made, the court or judge shall then first proceed to try the question of title between the city and the claimants; and if the title to all or any part of the land is decided to be in said claimant or claimants, then the jury shall assess the damages sustained by said claimant, as in other cases, to the extent to which they shall appear to be entitled by the finding on the first issue.

Concern
condemnation
of property
public use.

§ 4. Whenever the owners of the major part of the front of all property on the street, lane, avenue, or alley proposed to be opened, widened, or altered, shall petition the city council therefor, the said council may provide by ordinance for the same, according to the prayer of the petition, or in such other manner as the council may, by a unanimous vote, order and direct by ordinance; and that the council may prescribe such conditions to be complied with by the petitioners as to the board may seem just and reasonable; and if assented to by the petitioners, the mayor shall proceed with the work as in other cases.

Proceed
when major
of owners
property des
a street to
opened, &c.

§ 5. The mayor and board of city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, alley, or avenue, according to the respective fronts owned or occupied by them, for the purpose of grading or paving the side-walks on such street, lane, alley, or avenue: *Provided*, The said special tax shall not exceed the costs of such grading or paving according to the respective fronts, as aforesaid: *And provided further*, That no such improvement shall be ordered until the street in front of such improvement shall have been first paved, graveled, planked, or macadamized in the center thereof.

May coll
special tax
purpose of
proving stre

1860

ARTICLE VII—*Miscellaneous Provisions.*Miscellaneous
provisions.

§ 1. The city council shall, at least once a year, not more than thirty nor less than twenty days before each annual election, cause to be published in the newspaper employed to do the city printing, a full statement of all the receipts and expenditures of every description for the current fiscal year, including all the moneys which may have passed through the hands of the treasurer on account of the city for any purpose whatever, together with the different sources of the city revenue, the amount received under each, the several appropriations made by the city council, the objects for which the same were made, and the sums expended for each; also, a statement of all money borrowed upon the credit of the city, whether by temporary loan or by the issue of bonds, the terms upon which they were obtained, the authority upon which borrowed, and the purposes to which applied, and how much of the same, or other city indebtedness, has been repaid, and by what means. The statement shall also contain a detailed account of all city property, of all existing debts, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

§ 2. All ordinances and resolutions to be hereafter made and established by the city council shall be and remain in full force until the same are altered, amended, or repealed.

§ 3. All suits, actions, and prosecutions hereafter to be instituted by the city, shall be prosecuted in the name of the city of Columbus.

§ 4. All property, real and personal, heretofore belonging to the town of Columbus, and all of the same belonging to Kentucky city, is merged and declared to belong to the corporation hereby created by this act.

§ 5. The General Assembly may at any time alter, amend, or repeal this charter.

§ 6. This act is declared to be a public act, and may be read in evidence in all the courts of this Commonwealth without proof.

§ 7. The city of Columbus shall have power to erect and organize a work-house within the limits of the city; and any person who shall fail to pay any fine or costs imposed on him by ordinances set by the city of Columbus, or any misdemeanor, or breach of an ordinance of said city, shall, instead of being committed to the county jail, be committed to the work-house until such fine and costs shall have been fully paid: *Provided, however,* No such imprisonment in any case shall exceed the period of six months for any one offense.

§ 8. Every person so committed to the work-house shall be required to work for the city at such labor as his health or strength will permit, either within or without said work

May erect work
house, and who
may be con-
fined in same.Persons confin-
ed in work-house
to work out
fines.

house, not exceeding ten hours each day; and for such work and labor, the person so employed shall be allowed, exclusive of his board and lodging, such prices as may be fixed by the council per day for each day's work, which amount shall be applied towards paying off such fine and costs.

1860.

§ 9. The inhabitants of the city of Columbus are hereby exempt from working upon any road beyond the limits of the city, and from paying any tax for such roads outside of the city limits.

Inhabitants of city exempt from working roads outside of city.

§ 10. The city council shall have power, by ordinance, to provide for borrowing money for the following purposes, to-wit:

May borrow money for certain purposes.

1. For the construction of any sewer or other system of drainage to the city. 2. To build and erect a town-hall, and all other public buildings necessary for the good and convenience of the city; to purchase wharfs and public grounds, and to improve, make, and alter the same, and to keep them in repair. 3. To create reservoirs and construct water-works. 4. To complete any work necessary to the protection of a harbor, and the construction of wharf. 5. To erect a house of refuge for juvenile offenders, to erect a city hospital, or to establish quarantine stations: *Provided, however,* That every ordinance for borrowing money shall specify the amount, and the object and purpose to which it is to be applied, and shall have been passed by two thirds of the members of the board of city council: *And further provided,* That said ordinance providing for the borrowing of money, shall be submitted to the qualified electors of the city for their approval, at a special election to be held for that purpose only, and shall have been approved by the majority of the votes cast at said election.

§ 11. There shall be a digest of the ordinances of the city which are of a general nature published within six months after the passage of this act; and a like digest within every period of three years thereafter.

Digest of ordinances to be published.

§ 12. The city council to be elected on the first Monday in August, 1860, shall exercise all the powers and functions vested in the city council in this act, and in addition thereto, if deemed necessary for the purpose of organization of the corporation herein created, may hold sessions of the board from day to day, not exceeding the period of one month, until such ordinances are duly established for the city; that it shall be the duty of the city council to provide for the taking of the census of the said city within the fiscal year of 1860, and sufficient length of time prior to the next annual election of the city, as may be necessary to establish the representation of each ward agreeable to population.

City council elected in August, 1860, vested with all power conferr'd by this act.

1860.

City marshal
shall have pow-
er to make
arrests any
where in the
State.

Property may
be sold for non-
payment of
taxes.

Property to be
assessed for
taxation at
cash valuation.

§ 13. The city marshal and his deputies, and all police officers, shall have power to make arrests at any place within the State, upon like process as may be directed to the sheriff in criminal cases, or for violation of the city ordinances.

§ 14. The city council shall have power to cause property, both real and personal, to be sold for the non-payment of assessments and taxes levied by the city, and to direct by ordinance the manner, time, and place of sale of redemption of the same.

§ 15. All lands and lots of ground shall be assessed for taxation at their actual cash valuation, and all houses and other improvements shall be assessed and taxed with the ground on which they belong.

Approved February 18, 1860.

CHAPTER 311.

AN ACT to incorporate the New Castle and Smithfield Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name & style.

§ 1. That a company may be formed and created a body politic and corporate, by the name and style of the "New Castle and Smithfield Turnpike Road Company," for the purpose of making a turnpike road from New Castle, in the county of Henry, to Smithfield, in the same county.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each.

Comm'rs to re-
ceive subscrip-
tions of stock.

§ 3. The books for the subscription of stock shall be opened by Joseph F. Pryor, Morton B. Moody, S. B. Ireland, John P. Watkins, John Hays, Nathan Miles, and F. H. Goodrich, who are hereby appointed commissioners for said purpose, at such times and places as they, or a majority of them, shall deem proper. When the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this section to give notice, in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a president and ten directors. One vote shall be allowed for each share of stock; and the president and directors so elected, shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections after the first, shall be fixed by the president and directors; and a majority of the board shall be necessary to transact business.

When meeting
of stockholders
to be called for
election of offi-
cers.

Term of office.

Corporate
powers.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body

1860.

politic and corporate, in fact and in law, under the name and style of the "New Castle and Smithfield turnpike road company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a company; shall be capable of holding their capital stock and the increase and profits thereof; and of taking or holding, by purchase or gift, all such land, tenements, and hereditaments, real or personal property, that may be necessary for the prosecution of their work or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also to have and use a common seal, and generally to do any and every act, matter, or thing which a corporation may lawfully do to effect the object for which this company is created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width and the part thereof to be covered with stone or gravel, shall designate the points, at or near New Castle and Smithfield, where said road shall commence and terminate; shall designate the place or places for the erections of toll-gates; may fix the rates of toll, and change and alter the same; but said rates shall not exceed those prescribed by the general law of this State. The president and directors shall have power, after four miles of said road shall have been completed at either end, to erect a gate and collect toll, and shall apply the proceeds thereof to the completion of said road.

Further powers.

§ 6. The president and directors, with their surveyors, engineers, artists, and chain carriers, are hereby authorized and empowered to enter in and upon the land and inclosures, public roads, and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, and other material necessary for the construction of said road.

May enter upon land.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burden, to enter upon the land in and over, contiguous and near to which said road shall pass, having first given notice of their intention to the owners or occupiers thereof, or their agents: *Provided*, That if the president and directors cannot agree with the owners of said land through which said road is to pass, as to the damages the owner or owners may sustain by the road passing through their lands, the president and directors shall apply to the county court of the county in which said land is situated, for a writ of *ad quod damnum* to assess the damages

How land to be acquired for construction of road.

1860.

which may be sustained by the owners of said land ; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road ; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road.

How calls on
stock made.

§ 8. The president shall give notice, in any manner he may deem proper, of the amount of call on each share of stock, and of the time of payment ; and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment ; and if he shall fail to pay the amount of call and the penalty aforesaid for the space of six months after the time such payment is required, he shall forfeit such share or shares of stock to the corporation, together with the amount he shall have paid thereon : *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless the whole amount due and payable, as aforesaid, on each share by him held, shall have been paid, agreeable to the requisitions of the president.

Treasurer and
other officers to
be appointed.

§ 9. The president and directors shall appoint a treasurer, and such other officers as they may deem necessary, with such compensation for their services as the president and directors may deem just, who shall hold their offices until others shall be appointed and qualified. The treasurer of said company, before he enters on the duties of his office, shall give bond and security in such penalty as the president and directors may require, payable to them, conditioned to pay over any amount in his hands to the order of the president and directors.

Treasurer to
give bond.

Penalty for
avoiding pay-
ment of toll.

§ 10. That if any person shall go around or turn off said road, with the fraudulent intent of avoiding the payment of toll, as found by the president and directors aforesaid, he or they shall, on conviction thereof before a justice of the peace, be fined five dollars, to be collected as other sums under the jurisdiction of justices of the peace of this Commonwealth.

Width of road.

§ 11. The whole width of said road shall be thirty-five feet.

When road may
be commenced.

§ 12. The road may be commenced at each end as soon as the company is organized, if the president and directors shall deem it expedient.

Approved February 18, 1860.

CHAPTER 312.

1860.

AN ACT for the benefit of J. M. Johnson and L. L. Singletary.

WHEREAS, It is represented to this General Assembly that a jury of Hickman county rendered a verdict of lunacy against Matthew Summers, and that, owing to the violence of said Summers' insanity, the presiding judge of the county court of said county found it necessary to send said lunatic to the asylum for the insane, located at Hopkinsville; and whereas, it is further represented that John M. Johnson was appointed to convey said lunatic to the asylum in pursuance to the order of said court, who selected L. L. Singletary as a guard to assist him in executing said order; and whereas, it is further represented that they conveyed said lunatic to the asylum, that he was received by the superintendent, and that their necessary traveling expenses and mileage in going to and returning from the asylum amounts to the sum of eighty-five dollars; and whereas, it is represented to this Assembly that they have never received any portion of said sum of money; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is hereby directed to issue his warrant on the treasury in favor of said Johnson and Singletary for the sum of eighty-five dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved February 18, 1860.

CHAPTER 313.

AN ACT for the benefit of Wylie Harris, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Thomas Lauter, (a son of Minerva Lauter,) of Madison county, be, and he is hereby, made the legal heir and representative of Wylie Harris, of said county, and made capable in law to inherit his estate, as if the said William Thomas Lauter were the legitimate son of the said Wylie Harris, born to him in lawful wedlock.

§ 2. This act to take effect from and after its passage.

Approved February 18, 1860.

1860.

CHAPTER 314.

AN ACT for the benefit of A. J. Mershon, late sheriff of Rockcastle county, and his securities.

WHEREAS, A judgment was rendered in the general court of Kentucky against Andrew J. Mershon and his securities, as late sheriff of Rockcastle county, for the sum of seven hundred and thirty-two dollars and sixty-three cents, with interest thereon, from the fifteenth day of December, 1857, and ten dollars and fifty-five cents cost and damages; and whereas, it appears that the sum of seven hundred and sixty-six dollars and sixty-seven cents has been paid by the securities of said Mershon, on said judgment, which overpays the principal and cost of said judgment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said Mershon and his securities be, and they are hereby, released from the payment of all damages on said judgment.

Approved February 18, 1860.

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